

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

SEPTEMBER 27, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 27, 2011 at 3:33 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable Alex Wan
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms**

Others present at the meeting were: Deputy City Attorney, Eric Richardson, and Amber Robinson, Claude Cole and Gwen Burns, Law Department; Deputy Chiefs Shawn Jones, Calvin Moss and E. Renee Propes and Major Erika Shields, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Interim Chief of Corrections, Patrick Labat, Department of Corrections; Karen Rogers, Office of Weed and Seed; David Bennett, Office of the Mayor; media, public and council staff.

Chairman Young called the meeting to order at 3:33 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. EXECUTIVE SESSION - Public Property Vending - moved to the end of the meeting**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-1387 (1) Claim of **Sandra McCune, through her attorney, James Howard (DWM/03)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on August 30, 2009 at 262 James P. Brawley Drive. **\$14,000.00**
- 11-R-1388 (2) Claim of **Philadelphia Indemnity Insurance Company, as subrogee of Atlanta Community Food Bank, through their attorney, Rumsey & Ramsey (APD/02)**, for vehicular damages alleged to have been sustained due to an automobile accident on December 10, 2010 at Ralph D. Abernathy Boulevard, SW and West Whitehall Street, SW. **\$13,698.51**
- 11-R-1389 (3) Claim of **Progressive Insurance Company, as subrogee of Gary Cox (APD/01)**, for damages alleged to have been sustained as a result of a vehicular accident on March 4, 2011 at 71 University Avenue. **\$6,898.03**
- 11-R-1390 (4) Claim of **Kevin J. Glade (DWM/06)**, for bodily injuries alleged to have been sustained after stepping into an uncovered water meter on October 17, 2010 at 1117 West Peachtree Street, NW. **\$2,000.00**
- 11-R-1391 (5) Claim of **Trent Green (DWM/11)**, for damages alleged to have been sustained as a result of an unsecured metal plate on April 7, 2011 at 3191 Stone Road. **\$1,801.60**
- 11-R-1392 (6) Claim of **William Plaskett (DWM/01)**, for damages alleged to have been sustained as a result of a vehicular accident on March 22, 2011 at 2590 Forrest Park Road. **\$1,478.09**
- 11-R-1393 (7) Claim of **Brian Cooper (APD/03)**, for damages alleged to have sustained as a result of a vehicular accident on May 4, 2011 at 910 Howell Mill Road. **\$826.89**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

11-R-1394 (8) Claim of **Molly and Kenneth J. Baer (APD/03)**, for vehicular damages alleged to have sustained from an automobile accident on April 2, 2011 at 1079 Marietta Boulevard, NW. **\$668.10**

Claims with unfavorable recommendations:

11-R-1395 (9) Claim of **Leonard J. Rubin (NA/07)**, for vehicular damages alleged to have been sustained from driving on an improperly designed street in February 2011 at 4279 Roswell Road, NE.

11-R-1396 (10) Claim of **Leonard J. Rubin (NA/07)**, for vehicular damages alleged to have been sustained from driving on an improperly designed street in April 6, 2011 at 4279 Roswell Road, NE.

11-R-1397 (11) Claim of **Shawn Venegas and Brian Kidd, through their attorney, Glaser Currie and Bullman, LLP (APD/05)**, for damages alleged to have been sustained as a result of a detention and arrest on June 30, 2010 at Fulton Street and Windsor Street.

11-R-1398 (12) Claim of **Badriyyah Gilliam (DPRCA/08)**, for property damages alleged to have been sustained from a tree limb that fell on a parked automobile due to a rain event on April 21, 2011 at 1608 Olympian Circle.

11-R-1399 (13) Claim of **Susan S. Stuart, Moore Ingram Johnson and Steele (DPRCA/08)**, for property damages alleged to have been sustained from a tree that fell due to a storm on April 4, 2011 at 4250 Northside Drive, NW.

11-R-1400 (14) Claim of **Deborah J. Hightower (DPW/10)**, for property damages alleged to have been sustained when City workers repairing a water main line caused an interior mirrored wall to crack on April 4, 2010 at 2693 Burton Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

11-R-1401 (15) Claim of **Richard Jobson (DWM/NA)**, for damages alleged to have been sustained from driving over a series of potholes on August 30, 2010 at 1428 Boat Rock Road.

11-R-1402 (16) Claim of **Jamal and Ryan Rasoulpour (DWM/01)**, for damages alleged to have been sustained as a result of a sewer backup on September 8, 2009 at 1854 Shadydale Avenue.
(Councilmember Wan made a motion to approve Items D1-D16)

FAVORABLE

E. ORDINANCES FOR FIRST READING

11-O-1375 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, of the Department of Police by adding to anticipations and appropriations the amount of \$11,500.00 due to modifications in grant funds from the Whitehouse Office of National Drug Control Policy (“ONDCP”) for the continuation of the High Intensity Drug Trafficking Area (“HIDTA”) Task Force and continued disruption of drug trafficking organizations; and other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

11-O-1376 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, of the Department of Fire Rescue, by adding to anticipations and appropriations, in the amount of \$376,760.00 for grant funds from the Federal Emergency Management Agency, Assistance to Firefighters Grant Program for the purpose of supporting the Atlanta Smoke Alarm Program (ASAP); the required 20% match (\$94,190.00) will be charged to and paid from the Fund, Account, and Center Numbers listed; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

- 11-O-1377 (3) An Ordinance by Public Safety and Legal Administration Committee amending the FY12 (Intergovernmental Grant Fund) Budget, for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Development Disabilities ("DBHDD") for the purpose of continuing clinical assessment services for criminal defendants participating in Community Court; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCE FOR SECOND READING

- 11-O-1418 (1) An Ordinance by Councilmember Ivory L. Young, Jr. to waive the provisions of Chapter 162, Article II, Division 5, Section 162-116, of the City of Atlanta Code of Ordinances so as to permit each Taxicab Company to operate one taxicab which does not comply with the color scheme approved by the Bureau of Taxicabs and Vehicles for Hire as provided in 162-116 during the month of October, 2011 only; to maintain the requirement that said taxicab be marked with the logo or insignia associated with the Taxicab Company; and for other purposes.

(Councilmember Wan made a motion to approve)

FAVORABLE

G. RESOLUTIONS

- 11-R-1378 (1) A Resolution Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Mayor's Office of Weed and Seed to apply for and accept funding in the amount of \$39,494.00 from the State of Georgia Governor's Office, Children and Youth Juvenile Accountability Block Grant Fund to support the Intensive Surveillance Officer Program and to provide matching funds in the amount \$25,448.00; and for other purposes.

(Councilmember Wan made a motion to approve)

FAVORABLE

RESOLUTIONS (CONT'D)

11-R-1386 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of John Doe #1 et al. v. City of Atlanta, et al., Civil Action File No. 2011-CV-205517, Fulton County Superior Court, in the total gross amount of \$120,000.00, to be distributed to plaintiffs; authorizing payment of \$120,000.00 to be charged to and paid from the Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

11-R-1403 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of City of Atlanta v. Clara Comeaux Funderburg, Fulton County Superior Court, Civil Action File No. 2009-CV-176250, related to the condemnation of certain sewer easement, and settlement of a certain claim for damages to certain property having the address or 2990 Stone Hogan Connector Road, Atlanta, Georgia, with a Fulton County Tax Identification No. of 0014-0228-LL-047-9, owned by Clara Comeaux Funderburg in an amount of \$175,000.00; that all monetary settlement amounts be charged to and paid from the Account Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

H. PAPERS HELD IN COMMITTEE

10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**

HELD

10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**

HELD

10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**

HELD

10-R-0855 (5) Claim of **Ron Tuso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**

HELD

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

HELD

- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

10-R-1813 (9) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes.

HELD

10-O-1880 (10) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**

HELD

10-O-2228 (11) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

HELD

11-R-0535 (12) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Held 3/29/11 for further discussions)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0772 (13) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**

HELD

- 11-R-0929 (14) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. **(Councilmember Bond made a motion to approve on condition)**

FAVORABLE ON CONDITION

- 11-O-0946 (15) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes. **(Held 6/14/11 for further discussions)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0996 (16) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes. **(Referred back by Full Council 7/5/11) (Held 7/11/11 for further review)**

HELD

I. FOLLOW-UP ITEM

1. Councilmember Young requested that David Bennett make a report to the committee related to the Public Property Vending contract at each committee meeting.

J. ITEM NOT ON THE AGENDA

RESOLUTION

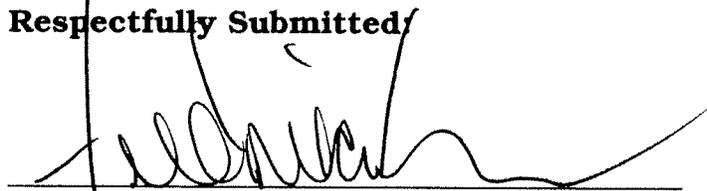
- 11-R-1379 (1)
*** A Resolution by the Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City Of Atlanta in the case of Omar Martinez V. City Of Atlanta, Civil Action File No. 10A28658-4, pending in Dekalb County State Court, in the amount of \$48,000.00; authorizing said payment to be charged to and paid from Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the chief financial officer to distribute the settlement amount; and for other purposes. **(Councilmember Lance Bottoms made a motion to approve)**

FAVORABLE

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There being no further business to come before the Committee, the meeting was adjourn at 5:27 p.m.

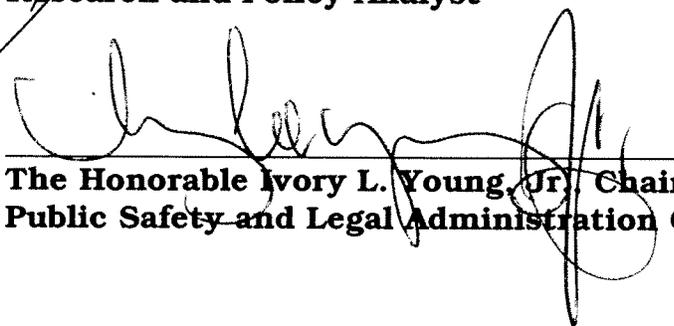
Respectfully Submitted,



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



**The Honorable Ivory L. Young, Jr., Chair
Public Safety and Legal Administration Committee**