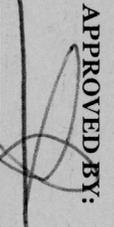


11-2-0435

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE LAWSUIT STYLED JOHN RUSSO INDUSTRIAL SHEET METAL, INC V. CITY OF ATLANTA, CIVIL ACTION NO 2010CV180034 FOR \$237,500; FUNDS TO BE PAID FROM FUND ACCOUNT 5501 (AIRPORT REVENUE FUND) 180312 (AIRPORT OPERATIONS) 5212005 (LITIGATION EXPENSE) 7563000 (AIRPORT FUNCTION ACTIVITY); AND FOR OTHER PURPOSES.

APPROVED BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY
MAR 2 1 2011

**COUNCIL
SUBSTITUTE**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee

3/15/11 Date

 Chair

Fav, Adv, Hold (see rev. side)
 Action
 Other

Members





Refer To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To _____

Committee _____

Date _____

Chair _____

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

- FINAL COUNCIL ACTION**
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED

MAR 2 1 2011

ATLANTA CITY COUNCIL PRESIDENT



CERTIFIED

MAR 2 1 2011


MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 3 0 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION BY

RESOLUTION NO. 11-R-0435

**THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

AS SUBSTITUTED BY THE FULL COUNCIL

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE LAWSUIT STYLED JOHN RUSSO INDUSTRIAL SHEET METAL, INC V. CITY OF ATLANTA, CIVIL ACTION NO 2010CV180034 FOR \$237,500; FUNDS TO BE PAID FROM FUND ACCOUNT 5501 (AIRPORT REVENUE FUND) 180312 (AIRPORT OPERATIONS) 5212005 (LITIGATION EXPENSE) 7563000 (AIRPORT FUNCTION ACTIVITY); AND FOR OTHER PURPOSES.

WHEREAS, John Russo Industrial Sheetmetal, Inc. ("JRI") designed, constructed and delivered an airport crash truck designated as the Y-0 to the City in April 1997, and

WHEREAS, JRI has not been compensated appropriately for the Y-0; and

WHEREAS, JRI is in possession of an airport crash truck designated as the Y-11, which was returned to JRI for repairs and upgrades in or around 1999; and

WHEREAS, JRI filed a lawsuit against the City in the Superior Court of Fulton County, on January 13, 2010, styled John Russo Industrial Sheet Metal, Inc v. City of Atlanta, Civil Action No 2010CV180034 ("the Lawsuit"), to recover damages related to the Y-0; and

WHEREAS, the parties mediated the case on February 18, 2011 and agreed to settlement terms including the dismissal of all claims by both parties, payment by the City of \$237,500., the transfer of title to the Y-0 by JRI to the City, the transfer of title to the Y-11 by the City to JRI, a mutual nondisparagement agreement; and a right of refusal to purchase the Y-0 at fair market value in favor of JRI at such time as the City desires to dispose of the Y-0; and

WHEREAS, the Department of Aviation and the City Attorney have determined this to be a fair and reasonable settlement of JRI's claims and in the best interest of the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of John Russo Industrial Sheet Metal, Inc. v. City of Atlanta in the amount of Two-Hundred Thirty-Seven Thousand Five Hundred Dollars



(\$237,500.00), to be paid by the City within 30 days of execution of a final settlement agreement.

SECTION 2. The settlement agreement shall include the transfer of title to the Y-0 by JRI to the City, the transfer of title to the Y-11 by the City to JRI, a mutual nondisparagement agreement; and a right of refusal to purchase the Y-0 at fair market value in favor of JRI at such time as the City desires to dispose of the Y-0.

SECTION 3. All settlement funds shall be paid from Fund Account 5501 (Airport Revenue Fund) 180312 (Airport Operations) 5212005 (Litigation Expense) 7563000 (Airport Function Activity). The Chief Financial Officer is authorized to issue payment to plaintiff's counsel and shall be made payable to McCartney and Kan, LLC.

SECTION 4. The City Attorney or her designee is authorized to execute a Settlement Agreement, Consent Order, Release, Dismissal and/or such other documents deemed appropriate to settle the case under the terms described in this resolution.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAR 21, 2011

MAR 30, 2011

RCS# 941
3/21/11
3:12 PM

Atlanta City Council

REGULAR SESSION

11-R-0435

SETTLE THE LAWSUIT JOHN RUSSO
INDUSTRIAL SHEET METAL INC VS THE CITY
ADOPT ON SUB

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-R-0435