

11-0-1239

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY
DEVELOPMENT/HUMAN
RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING
THE MAYOR TO ENTER INTO A
RENEWAL AND FIRST
AMENDMENT TO THE
MEMORANDUM OF
UNDERSTANDING BETWEEN THE
CITY OF ATLANTA AND THE
GRANT PARK CONSERVANCY; AND
FOR OTHER PURPOSES.

ADOPTED BY
SEP 19 2011
COUNCIL

- 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 8/30/11
 Chair George A. Sheppard
 Referred to _____

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

Refer To

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

Refer To

FINAL COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings

- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
SEP 19 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
SEP 19 2011

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 28 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE BY
COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL AND FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ATLANTA AND THE GRANT PARK CONSERVANCY; AND FOR OTHER PURPOSES.

WHEREAS, the Grant Park Conservancy (“GPC”) is a non-profit organization whose mission is to develop, enhance, and maintain Grant Park, located in Southeast Atlanta, Georgia, (Grant Park, excluding the Grant Park Pool, the interior of Cyclorama and the areas currently exclusively under the custody and control of Zoo Atlanta are herein described as the “Park”), to the benefit of both the citizens of Atlanta and its many visitors; and

WHEREAS, the City of Atlanta (“City”) and GPC (collectively the “Parties”) entered into a Memorandum of Understanding (“MOU”) as authorized by Resolution 05-R-1526, adopted by the City Council on September 6, 2005 and approved by the Mayor on September 12, 2005; and

WHEREAS, the initial term of the MOU was five years commencing on June 12, 2006, and included an additional five year renewal option by mutual consent of the Parties; and

WHEREAS, the initial five year term expired on June 11, 2011; and

WHEREAS, the Parties inadvertently allowed the initial term of the MOU to expire without properly exercising the option to renew; and

WHEREAS, the Commissioner of the Department of Parks, Recreation and Cultural Affairs has reviewed and is satisfied with GPC’s performance under the MOU and desires that the MOU be extended for an additional five years, retroactive to June 12, 2011; and

WHEREAS, in order to provide the services it performs regarding the Park, GPC must raise a significant amount of funds. One manner of raising those funds is through concession sales. GPC desires to amend the MOU so that it may operate or cause to be operated concessions sales in the Park (“Concessions Program”) as a means of fundraising. Fifty percent of the net revenues from the Concessions Program shall be retained by GPC for Park improvements and maintenance. The other fifty percent of the net revenues shall be provided to the Department of Parks, Recreation, and Cultural Affairs to be deposited into a trust fund. The City shall not profit from this revenue, but rather shall utilize the revenue for park maintenance and improvements at parks throughout the City for which no conservancy is present; and



WHEREAS, the Atlanta Code of Ordinances, section 110-3(6) establishes a fee for vending within City parks of \$2,000 per month for weekends and \$2,000 per month for weekdays; and

WHEREAS, given that the mission of GPC is to improve and maintain the Park, given that the cost of GPC's work of improving and maintaining the Park is high, and given the importance of the concessions fundraising to enabling GPC to fulfill its mission, it is in the best interest of the City to allow GPC to obtain a new vending permit(s) for its Concessions Program. Additionally, given that fifty percent of GPC's Concessions Program net revenue will benefit GPC and consequently the Park, and given that fifty percent of GPC's Concessions Program net revenue will be given back to the Department of Parks, Recreation, and Cultural Affairs, it is in the best interest of the City to maximize said net revenue by waiving the parks vending fee; and

WHEREAS, GPC desires to continue to provide development, enhancement and maintenance of the Park for an additional five years under the terms described herein.

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

SECTION 1: That the Mayor, on behalf of the City, is hereby authorized to execute a Renewal and First Amendment to the MOU with GPC for the development, enhancement, and maintenance of the Park (the "Renewal"), and the effective date of the Renewal shall be June 12, 2011. The Renewal shall be subject to all of the terms and conditions that would have existed had the Parties timely exercised the MOU's renewal option, and all actions taken by the Parties pursuant to the MOU between June 12, 2011 through the full execution of the Renewal are hereby ratified.

SECTION 2: That the Renewal shall authorize GPC to receive vending permit(s) for its Concessions Program for locations of the Park designated in the Renewal, provided that GPC meets all of the criteria set forth in Atlanta Code of Ordinances, Chapter 30 Article XXIII, entitled Vending on Public Property, section 30-1401 through 30-1460, as may be amended and re-codified from time to time. In addition, Atlanta Code section 110-3(6) is hereby waived with regard to GPC's vending permit(s), such that GPC shall be permitted to operate its Concessions Program without paying a vending fee. Fifty percent of the net revenues from the Concessions Program shall be retained by GPC for Park improvements and maintenance, and fifty percent of the net revenues from the Concessions Program shall be provided to the Department of Parks, Recreation, and Cultural Affairs to be deposited into a trust fund to be utilized for park maintenance and improvements at parks throughout the City for which no conservancy is present.

SECTION 3: That the City Attorney is directed to prepare the Renewal for execution by the Mayor.



SECTION 4: That the Renewal will not become binding on the City, and the City will incur no liability under it, until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to GPC.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Sept. 19, 2011
Sept. 28, 2011

RCS# 1410
9/19/11
3:51 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE

9/19/2011 CONSENT AGENDA SECTION 1
EXCEPT 11-O-1241 AND 11-O-0740
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

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

PROCEDURE

RCS# 1409
9/19/11
3:50 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE 9/19/2011 CONSENT AGENDA SECTION 1

RECONSIDER

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

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

PROCEDURE

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	09-19-11 ITEMS ADVERSED ON CONSENT
1. 11-O-1239 2. 11-O-1240 3. 11-O-1361 4. 11-O-1362 5. 11-O-1363 6. 11-O-1364 7. 11-O-1243 8. 11-O-1268 9. 11-O-1242 10. 11-O-1261 11. 11-O-1249 12. 11-O-1251 13. 11-O-1267 14. 11-O-1295 15. 11-O-1250 16. 11-O-1357 17. 11-O-1098 18. 11-O-1225 19. 11-O-1226 20. 11-O-1227 21. 11-O-1353 22. 11-R-1313 23. 11-R-1347 24. 11-R-1348 25. 11-R-1349 26. 11-R-1350 27. 11-R-1352 28. 11-R-1054 29. 11-R-1325 30. 11-R-1326 31. 11-R-1327 32. 11-R-1356 33. 11-R-1317 34. 11-R-1318 35. 11-R-1012 36. 11-R-1304 37. 11-R-1305	38. 11-R-1306 39. 11-R-1307 40. 11-R-1308 41. 11-R-1309 42. 11-R-1310 43. 11-R-1328 44. 11-R-1329 45. 11-R-1330 46. 11-R-1331	47. 11-R-1332 48. 11-R-1333 49. 11-R-1334 50. 11-R-1335 51. 11-R-1336 52. 11-R-1337 53. 11-R-1338 54. 11-R-1339 55. 11-R-1340 56. 11-R-1341 57. 11-R-1342 58. 11-R-1343 59. 11-R-1344