

12-0-1525
(Do Not Write Above This Line)

AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO LEASE AGREEMENT FC-7708-04 FOR PUBLIC PAY PHONE SERVICES AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT WITH KELLE COMMUNICATIONS TO PROVIDE, AND THE CITY TO ACCEPT, PUBLIC PAY PHONE SERVICES UNDER THE TERMS AND CONDITIONS SET FORTH IN AGREEMENT FC-7708-04 BEGINNING NOVEMBER 6, 2012 AND CONTINUING ON A MONTH-TO-MONTH BASIS, BUT NOT TO EXTEND BEYOND APRIL 30, 2013 AND ELIMINATING THE MINIMUM ANNUAL GUARANTEE SET FORTH IN THE AGREEMENT; AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTION 2-1187 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS; AND FOR OTHER PURPOSES.

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

Date Referred: 11/5/12
 Referred To: Finance/Exec
 Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading
 Committee: Finance/Exec
 Date: 10-31-12
 Chair: Patricia H. Moore
 Referred To:

Fin. Committee
 Date: 11-12-12
 Chair: Patricia H. Moore
 Action: Fav, Adv, Hold (see rev. side)
 Other:

Members: [Signature]
 Referred To: [Signature]

Committee

Date

Chair

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

Members

Referred To

Committee

Date

Chair

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

Members

ADOPTED BY

NOV 19 2012

COUNCIL
 Referred To

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

CERTIFIED
 NOV 19 2012
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 NOV 19 2012
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2012
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

12-0 -1525

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO LEASE AGREEMENT FC-7708-04 FOR PUBLIC PAY PHONE SERVICES AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT WITH KELLEE COMMUNICATIONS TO PROVIDE, AND THE CITY TO ACCEPT, PUBLIC PAY PHONE SERVICES UNDER THE TERMS AND CONDITIONS SET FORTH IN AGREEMENT FC-7708-04 BEGINNING NOVEMBER 6, 2012 AND CONTINUING ON A MONTH-TO-MONTH BASIS, BUT NOT TO EXTEND BEYOND APRIL 30, 2013 AND ELIMINATING THE MINIMUM ANNUAL GUARANTEE SET FORTH IN THE AGREEMENT; AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS CONTAINED IN SECTION 2-1187 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City"), as owner and operator of Hartsfield-Jackson Atlanta International Airport (the "Airport") entered into Agreement FC-7708-04 (the "Agreement") with Kellee Communications ("Kellee") pursuant to Resolution 05-R-0687, which became effective on June 23, 2006, for the establishment and operation of public pay telephones and pre-paid calling card machines at the Airport; and

WHEREAS, the Department of Aviation is in the process of soliciting a public pay phone service provider for the areas covered under the Agreement, but will not be able to provide for uninterrupted services beginning on November, 2012; and

WHEREAS, it is in the City's best interest to provide for continuation of public pay phone services until such time as new services are in place; and

WHEREAS, the Aviation General Manager and Chief Procurement Officer have recommended that Kellee be authorized to continue providing public pay phone services, uninterrupted, and the City be authorized to accept such services under the terms and conditions set forth in the Agreement except the (a) Agreement shall be on a month-to-month basis terminable at the sole discretion of the City, (b) term of the Agreement shall begin on November 6, 2012 and shall not extend beyond April 30, 2013 and (c) minimum annual guarantee of \$282,780.00 will be eliminated in the Agreement and Kellee will continue to pay percentage rent in the amount of thirty-five



percent (35%) of gross revenue for phone usage and twenty-five percent (25%) of gross revenue for video games and internet usage.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: The Mayor is hereby authorized to execute Amendment No. 1 for FC-7708-04, Lease Agreement for Public Pay Phone Services, on behalf of the City of Atlanta, with Kellee Communications.

SECTION 2: The City Attorney be and is hereby directed to prepare Amendment No. 1 with Kellee for execution by the Mayor.

SECTION 3: Under Amendment No. 1 Kellee shall be authorized to provide public pay phone services, and the City shall be authorized to accept such services, under the terms and conditions set forth in Agreement FC-7708-04 except the (a) Agreement shall be on a month-to-month basis terminable at the sole discretion of the City, (b) term of the Agreement shall begin on November 6, 2012 and shall not extend beyond April 30, 2013 and (c) minimum annual guarantee of \$282,780.00 will be eliminated in the Agreement and Kellee will continue to pay percentage rent in the amount of thirty-five percent (35%) of gross revenue for phone usage and twenty-five percent (25%) of gross revenue for video games and internet usage.

SECTION 4: Amendment No. 1 to the Agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Kellee Communications.

SECTION 5: That all ordinances or parts of ordinances in conflict with this ordinance, including but not limited to Section 2-1187 of the Code of Ordinances of the City of Atlanta, Georgia, are waived to the extent of the conflict.

A true copy,



Deputy Municipal Clerk

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

November 19, 2012
November 28, 2012

RCS# 2400
11/19/12
2:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 12-O-1416
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

		11-19-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1404	35. 12-R-1558	69. 12-R-1581
2. 12-O-1504	36. 12-R-1559	70. 12-R-1582
3. 12-O-1505	37. 12-R-1560	71. 12-R-1583
4. 12-O-1506	38. 12-R-1561	72. 12-R-1584
5. 12-O-1507	39. 12-R-1562	73. 12-R-1585
6. 12-O-1598	40. 12-R-1563	ITEMS ADVERSED ON CONSENT
7. 12-O-1515	41. 12-R-1564	74. 12-R-1586
8. 12-O-1516	42. 12-R-1596	75. 12-R-1587
9. 12-O-1525	43. 12-R-1617	76. 12-R-1588
10. 12-O-1526	44. 12-R-1625	77. 12-R-1589
11. 12-O-1609	45. 12-R-1626	78. 12-R-1590
12. 12-O-1611	46. 12-R-1538	79. 12-R-1592
13. 12-O-1495	47. 12-R-1540	80. 12-R-1593
14. 12-O-1497	48. 12-R-1541	
15. 12-O-1498	49. 12-R-1601	
16. 12-O-1608	50. 12-R-1602	
17. 12-O-1508	51. 12-R-1616	
18. 12-O-1509	52. 12-R-1511	
19. 12-O-1523	53. 12-R-1542	
20. 12-R-1566	54. 12-R-1543	
21. 12-R-1567	55. 12-R-1544	
22. 12-R-1568	56. 12-R-1612	
23. 12-R-1547	57. 12-R-1624	
24. 12-R-1548	58. 12-R-1570	
25. 12-R-1549	59. 12-R-1571	
26. 12-R-1619	60. 12-R-1572	
27. 12-R-1096	61. 12-R-1573	
28. 12-R-1347	62. 12-R-1574	
29. 12-R-1355	63. 12-R-1575	
30. 12-R-1531	64. 12-R-1576	
31. 12-R-1554	65. 12-R-1577	
32. 12-R-1555	66. 12-R-1578	
33. 12-R-1556	67. 12-R-1579	
34. 12-R-1557	68. 12-R-1580	