

Special Called Meeting of the Mayor and City Council held Tuesday, January 24, 2006, 7:00 PM, Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the meeting to order.

Roll Call and General Announcements

City Clerk Marchiafava called roll.

Councilmembers Present: Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, Councilmember Karen Meizen McEnery, and Councilmember Rusty Paul

City Clerk Marchiafava stated for those who would like to make comments on agenda items, there are public comment cards available at the front and back tables. She requested that the comment cards be filled out and returned to her. Additionally, she requested that cell phones please be turned off.

Aaron Bovos, Acting City Manager, reminded everyone that the Perimeter CID Reception at the Astro Club is this Thursday at 5:00 PM. The next scheduled work session will be next week on Thursday at 6:00 PM.

He introduced a new staff member, Linda Blow, who is his executive assistant.

Approval of Meeting Agenda

Acting City Manager Bovos stated that Don Howell has a supplemental Resolution that he would like to add to the agenda. This will be a supplemental resolution in addition to the GMA Master Lease Resolution.

Motion and Vote: Councilmember Fries moved to approve the amended meeting agenda. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Public Hearing

Mayor Galambos stated that this is a public hearing on the FY2006 budget for a seven month period beginning December 1st and ending on June 30th.

Presentation of the FY 2006 Budget (December 1, 2005 through June 30, 2006)

Aaron Bovos, Acting City Manager stated that Steve Rapson, Finance Director, will present this item. There have not been any changes since the last presentation. Staff is available to answer any questions Council or the public may have.

Steve Rapson, Finance Director, referred to the first page of the budget, after the Revenues and Expenditures and Changes, in Fund Balance and pointed out that the General Fund stayed intact with all the changes that were made the last time we went over both the first budget hearing, as well as the amendments that were made for the second one.

He pointed out the transfer of the Capital is at \$1,500,000 now with the designated fund balance transfers of \$1,500,000. The contingencies have been increased to \$1,946,000. That gets us to an appropriate contingency beyond this budget, which would be in August/September of roughly \$1,000,000. That is the target that we tried to achieve with direction from the City Council.

Under the Capital Fund, additional funding has been allocated. The \$230,000 represents the money that we anticipate getting in from SSRI for the Capital Projects and that will eventually be transferred over to the City. In addition to that, you can see that we actually got the main \$730,000, which is anticipated capital plan that would include that \$230,000, as well as the \$1,500,000 transfer for Capital.

The next fund, Hotel/Motel Tax, has been broken out on the expenditure side. We anticipate having to write checks for the Georgia Dome, as well as the Georgia World Congress Authority. One of those is for a State allocation, another one is a contractual obligation. Both of those will eventually have to come back before the City Council for the Intergovernmental Agreements so we can initiate those transactions. We will be working on that in the next month or so.

Everything else is pretty much intact unless there are questions about any of the individual components. We have also added an entire section, which is the very last section of your report, that outlines the Scope of Services for the CH2M Hill Contract for RFP 1 and RFP 2. Those are broken out based on the departmental relationships.

Mayor Galambos asked if there were any questions from City Council.

Councilmember Meinzen McEnery referred to the all other revenue line item on page 1, and asked of the \$230,000 coming from SSRI under the Capital Fund what project was that coming from.

Al Crace, Assistant City Manager, stated that we did not cut the budget in Capital. This is a budget that is to be implemented and obligated by June 30th of this year. Some of them have a start date and by the time we get to bidding or awarding contracts they would fall after June 30th and then to July and would put them in 2007. All of these projects that are on this list are projects that we recommended supporting and underwriting to the committee. It is just a matter of when we can get to them in the Capital Budget.

Councilmember Meinzen McEnery referring to the Capital Improvement part of the budget asked if we knew the source of the \$230,000 shown in the revenue line of the budget. She asked could it possibly be from the monies that are being held by the SSRI for the Mount Vernon Parkway and Crest Valley Road sidewalk and traffic calming project. Assistant City Manager Crace answered yes that project is in here. The \$1,500,000 is the City of Sandy Springs' money that is used for local match and local supplement that this Council is appropriating to these projects. The SSRI funds that they have already received from their various sources, primarily Fulton County, will be added to this for a total amount. On that particular sidewalk project, it is already 100% designed and it is moving into construction. We believe that will start occurring after July 1st of this year. That is why the \$230,000 is in the 2007 column.

Councilmember Meinzen McEnery commented that she must be looking at a different Capital Improvement budget because her budget shows a zero (0) in the 2006 column and zero (0) is in 2007. She cannot relate to the \$1,500,000 matching number for Sandy Springs from the budget in front of her. Assistant City Manager Crace stated that the \$1,500,000 appropriation is the budget action. The spread sheets translate into what he calls standard financial format. As a memorandum reference, it is not hard to adopt one of these projects. We are going to have a Work Session on February 2nd and these projects will be gone over in detail to include the line item with a description of the project and its budget. That is when the Council will start prioritizing and we will get into the details. The \$1,500,000 is the money being set aside for Capital Projects. The \$230,000, which is the City of Sandy Springs' money, will supplement the SSRI project because it does not have sufficient funds to carry it to completion. Councilmember Meinzen McEnery stated that the Capital Improvement Program that is a part of this budget is not prioritization of those items. Councilmember Paul stated that we could call these place holders at this point. Councilmember Meinzen McEnery asked what project is the \$230,000 (on page 1 of the budget under All Other Revenue) for. It was

mentioned that this is SSRI money. Finance Director Rapson stated that primarily that project will be funding SS0007, which is the Sandy Springs Circle/Hammond Drive bike and pedestrian enhancement phase II. Councilmember Meinzen McEnemy asked if SSRI would be left pursuant to SS0009, which is the Mount Vernon/Crest Valley sidewalk. Director of Finance Rapson stated that at this point we have not assumed any additional funding for that particular project. According to the plan we have, that funding was not required until 2007. This is just predicated off 2006 but, to answer your question, we are going to be going through all of the SSRI projects with residual funding. We will be bringing those back individually to the City Council for approval and prioritization as we adopt those individual projects and formulate our Capital Plan. That \$230,000 will probably go up as Council takes action in regards to prioritization of those projects.

Mayor Galambos commented that this \$230,000 is not earmarked for any particular project and asked if that was correct. Assistant City Manager Crace answered that is correct and suggested that it was just to give an example of how the budget might work on a project.

Mayor Galambos asked if there were any other questions from the Councilmembers regarding the budget. There were no other questions.

Mayor Galambos stated that we will now entertain comments from the constituents.

There was no public comment.

Public Hearing Closed

Unfinished Business

(Agenda Item No. 06-019)

An Ordinance to Adopt and Approve a Non-Profit Funding Policy. (Second Reading)

First Reading on January 17, 2006.

Ordinance No. 2006-01-06

Acting City Manager Bovos stated, as we previously discussed, this policy formulates the way we will receive requests from non-profits or other entities outside the City and evaluate their funding request. There is a meeting tomorrow morning at 7:30 with a good number of not for profits within the City limits to provide them a copy of the policy and walk them through the application process. Our goal from that point is to receive all of the applications by mid-February. We will review those applications and complete some interviews with the not for profits and then bring those to Council by the end of February for evaluation and review. He will be happy to answer any comments that anybody has with respect to the policy. There have not been any changes since the first reading.

Councilmember Meinzen McEnemy asked how he determined which non for profits to include in this meeting.

Acting City Manager Bovos stated that he had the great assistance of Linda Bain who had a list of "not for profits" so she sent an email out to all of those organizations on that list. We are certainly open to have supplemental meetings. That is certainly available to anybody who would like to do that.

Councilmember Greenspan commented that a not for profit organization that does not participate in these meetings will not be precluded from making application. Acting City Manager Bovos answered that is correct.

Mayor Galambos stated that this meeting is to provide them with information. She asked if there was any public comment regarding our policy for the not for profit application.

There was no public comment.

Mayor Galambos requested that the City Clerk read the ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Adopt and Approve a Non-profit Funding Policy for the City of Sandy Springs; to provide for guidance in administering such policy; and for other purposes. This is the Second Reading.

Motion and Vote: Councilmember Paul moved to approve an Ordinance to Provide for Guidance in Administering such Policy and for Other Purposes. Councilmember Meinzen McEnemy seconded the motion. There was no Council discussion. The motion passed unanimously.

(Agenda Item No. 06-022)

Approval of an Ordinance Amending by Readopting, *In Toto*, Article 1, Section 42 of Chapter 7, Alcoholic Beverages. (Second Reading)

First Reading on January 17, 2006.

Ordinance No. 2006-01-07

Mayor Galambos asked City Attorney Willard to explain the ordinance Amending Chapter 7, Article 1, Section 42, *In Toto*.

City Attorney Wendell Willard stated that City Council may remember from the previous meeting this was suggested and urged to be done because we had adopted the Alcohol Beverage Ordinance recognizing there would be restrictions as to the serving of alcohol in the adult entertainment clubs. The study was done on December 20th and 27th at a public hearing by the City Council. To be prudent, it would be best to go back based upon what was done from the hearing and information received by the Council and Mayor to make this recognition. This is the appropriate thing the Council wanted to have in place as far as restriction of service of alcohol in that type facility. Staff recommends adoption.

Mayor Galambos asked if there were any comments from the public regarding this ordinance.

There was no public comment.

Mayor Galambos asked the City Council if they had any questions regarding this ordinance. There were none.

Mayor Galambos requested that the City Clerk read the ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance Amending by Readopting, *In Toto*, Article 1, Section 42 of Chapter 7, Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs as a Result of Testimony Heard by the Mayor and Council on December 20th and 27th, 2005 Concerning the Secondary Effects of Alcohol and Adult Entertainment. This is the Second Reading.

Motion and Vote: Councilmember Fries moved to approve an Ordinance Amending by Readopting, *In Toto*, Article 1, Section 42 of Chapter 7 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs as a Result of Testimony Heard by the Mayor and City Council on December 20th and 27th, 2005

Concerning the Secondary Effects of Alcohol and Adult Entertainment. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

(Agenda Item No. 06-023)

Approval of an Ordinance to Adopt and Amend Rules of Procedures for City Council Meetings and Public Hearings. (Second Reading)

First Reading on January 17, 2006.

Ordinance No. 2006-01-08

Mayor Galambos stated that the next item is an Ordinance to Adopt and Amend the Rules of Procedure for City Council Meeting and Public Hearings.

Acting City Manager Bovos stated that this ordinance sets into effect the discussions that we previously had at work session and the last City Council meeting. It establishes a protocol in which Councilmembers, as well as the public, place items on the agenda and formulizes it to the Mayor for due process. There has been one change since the First Reading on page 5. He stated that Councilmember Jenkins asked a question with respect to the donation of the \$250 and the declaration for candidates who oppose or wish to speak in favor of that. We have added language *who will consider the application*. We did review the State law with respect to this particular part and Councilmember Jenkins was involved in that review. The need to change anymore of the wording actually did not exist. We have left the majority of it intact with that additional verbiage.

Mayor Galambos asked if City Council had comments or questions regarding this ordinance. There were none.

Mayor Galambos asked if there were any comments from the public regarding this ordinance. There was no public comment.

Mayor Galambos requested that the City Clerk read the ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Adopt and Amend the Rules of Procedure for City Council Meeting and Public Hearings.

Motion and Vote: Councilmember Jenkins moved to approve the Second Reading of an Ordinance Adopt and Amend Rules of Procedures for City Council Meetings and Public Hearings. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

Ordinances and Resolutions

(Agenda Item No. 06-032)

Approval of a Resolution Adopting a Budget for the Fiscal Year 2005-2006 for the City of Sandy Springs, GA.

Resolution No. 2006-01-17

Mayor Galambos stated that the next item is a Resolution Adopting a Budget for the Fiscal Year 2005-2006. She asked if the Council had questions regarding this Resolution. There were none.

Mayor Galambos requested that the City Clerk read the resolution for consideration.

City Clerk Marchiafava conducted a reading of a Resolution Adopting a Budget for the Fiscal Year 2005-2006 for the City of Sandy Springs, GA, Pursuant to House Bill 37, Section 5 of the Charter of the City and

the Financial Management Program Established by Ordinance, Beginning December 1, 2005 and ending June 30, 2006, Appropriating the Amounts Shown in Each Budget as Expenditures to Exceed Appropriations, and Prohibiting Expenditures from Exceeding Actual Funding Sources.

Motion and Vote: Councilmember Fries moved to approve a Resolution Adopting a Budget for the Fiscal Year 2005-2006 for Each Fund of the City of Sandy Springs, Georgia, Pursuant to House Bill 37, Section 5 of the Charter of the City and the Financial Management Program Established by Ordinance, Beginning December 1, 2005 and ending June 30, 2006, Appropriating the Amounts Shown in Each Budget as Expenditures, Adopting the Item of the Anticipated Funding Sources, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures from Exceeding Actual Funding Sources. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

(Agenda Item No. 06-033)

Approval of a Resolution Supporting the Roswell Road Livable Centers Initiative (LCI) Grant Application and Authorization to Accept LCI Grant Funding.

Resolution No. 2006-01-18

Mayor Galambos stated that the next item is a Resolution Supporting the Roswell Road Livable Centers Grant.

Community Development Director Nancy Leathers stated that there are really two aspects to this study. First, it offers us an opportunity to have outside of Sandy Springs mostly funded, which will examine land uses and transportation related to the Roswell Road corridor moving south from I-285 to the city of Atlanta. Secondly, by having done a study for that area that qualifies the City for transportation funding in the area that we would not be eligible to receive unless we were an LCI community. Staff recommends approval of this Resolution.

Mayor Galambos asked if the City Council had questions regarding this Resolution.

Councilmember DeJulio asked what is included in transportation initiatives. Community Development Director Leathers stated that there are projects that would go into the Transportation Improvement Plan (TIP) at the Atlanta Regional Commission (ARC). They can include road improvements and sidewalks, as well as other related kinds of intersection improvements, etc. If they come out of this study and are recommended that helps to move them up the priority ladder at ARC. Councilmember DeJulio asked if that included landscape improvements in addition with the streetscapes. Community Development Director Leathers stated that the streetscape includes landscaping and that is fundable under this program.

Mayor Galambos asked if we had already received an LCI Grant in the past for Sandy Springs. Community Development Director Leathers stated that we have. We have an LCI Grant for the downtown Sandy Springs area, which begins essentially at Abernathy and goes south to I-285 and that has qualified us for most of the streetscape projects funding that we have in place now. Mayor Galambos asked when that would happen. Community Development Director Leathers answered that study was completed in the year 2002 and there are three projects which have been funded from that study and there may be others that the City may wish to apply for in that area that were defined as part of that study so that lays the basis for projects in that area as well.

Councilmember Meinzen McEnery mentioned the funded projects that are north of I-285 resulting from the LCI study of the downtown corridor and asked if those projects were about \$900,000. Community Development Director Leathers stated that was an 80% - 20% split and she believes that amount was LCI funded. Out of that was about \$3,000,000 of Federal money with the 20% local match. Councilmember

Meinzen McEnery commented that is a pretty good return. She referred to the LCI initiative and confirmed that the City will be committing to \$30,000 for this study and the ARC will be funding \$120,000. Community Development Director Leathers replied that is correct.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption:

City Clerk Marchiafava conducted a reading of a Resolution Supporting the Roswell Road Livable Centers Initiative (LCI) Grant Application and Authorization to Accept LCI Grant Funding.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution Supporting the Roswell Road Livable Center Initiative (LCI) Grant Application and Authorization to Accept LCI Grant Funding. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

(Agenda Item No. 06-034)

Approval of a Resolution authorizing a master contract with GMA Lease Pool.

Mayor Galambos stated that the next item is a Resolution authorizing a master contract with GMA Lease Pool. Don Howell will present this item.

Director of Operations Don Howell stated that we are proposing the purchase of up to 62 police vehicles. We will purchase 18 vehicles in this fiscal year, 19 of which would be administrative and for the rank of the department, and 43 patrol vehicles. We solicited bids from two Ford dealerships. The low bid is actually lower than the State bid price which we were able to negotiate. We have included full equipment on all the vehicles and worked with the Police Chief to implement a phasing plan so that we do not have the cash flow situation of paying for all of the vehicles at the same time or incurring a lease obligation for the vehicles. We also analyzed a direct purchase versus leasing. What we are proposing is a capital lease and at the end of the 36 month period we would own the vehicles. We also had to consider the fact that we issued tax anticipation notes very recently and are prohibited under Internal Revenue Service Regulations for issuing any additional tax exempt leases or other obligations into 2006. Part of the delay in getting some of the material to the Mayor and Council was getting a revised quote from the Georgia Municipal Association Lease Purchase Pool that would reflect a taxable interest rate for 2006. We were trying to work it where we could lock in a rate for 2007 and 2008 at a tax exempt rate, but we were not able to do that.

What Council has before them tonight is an umbrella mechanism to allow for sub-cent point purchases and lease purchases under the GMA Program. With the package of the master lease, it basically sets and governs all the terms and conditions of future supplemental leases. That is the item that we also asked to be added to the agenda tonight. With the passage of the master lease, we are now authorized on a case-by-case basis to pass supplemental resolutions and supplemental leases to buy ten cars at one time, or five cars at one time. Each of those supplemental leases under this proposal comes back to Council for specific approval. The program can work a lot smoother than that if we had the cash flow. Council could approve the master lease and approve one resolution to purchase 62 vehicles. When you do that, however, you incur the indebtedness immediately and the interest clock starts running and that presents some real cash flow problems. What staff is recommending to Council is that the master lease first then he asked them to consider the first supplemental lease for approximately nine vehicles immediately but, authorize up to 62 vehicles so the purchase order can be issued. That will provide the authority to issue a purchase order prior to February 1, securing the 62 vehicles from the low bidder between now and July 1. Again, it was lower than actual State bid price. Without that purchase order for the entire 62 by February 1, we cannot guarantee delivery until October. What we are trying to do is lock in a delivery of the vehicles, have a master approval to work with GMA under their lease program, and bring Council each resolution to buy the vehicles as we decide to

purchase them to avoid incurring the debt sooner than we need to. He and the Police Chief will have a conversation tomorrow with the dealer to see what kind of favorable terms they may give us regarding invoice timing so we can delay the incurring of the debt as much as possible and fit within our cash flow in the budget.

Mayor Galambos asked if the City Council had questions regarding this Resolution.

Councilmember Jenkins stated that she noticed the detailed police outline in one of the earlier budgets and we are going to start ramping up with the hiring of some additional officers for the Police Chief starting on February 1. She asked are we going to purchase these nine vehicles for those individuals. Director of Operations Howell replied that is why we are going to ask Council when considering the supplemental resolution to authorize up to a total of 62 vehicles. We will initiate the first purchase order for nine vehicles because we know they have the vehicles in stock. We will actually issue a purchase order for all 62 broken down with nine vehicles to be delivered now. He could need five more by the middle of February or the first of March and we are going to coordinate the Chief's schedule for starting officers and vehicles being ready with each supplemental lease. Councilmember Jenkins stated it sounds like we are on track. Director of Operations Howell stated that the financial impact of doing it any other way will not work with our cash situation. We believe this is a way to get the vehicles locked in so that we can guarantee delivery of all of them between now and July 1 to meet the needs of the department and the activation of patrol officers still minimizing the financial impact to the City.

Councilmember Meinzen McEnery asked what type of vehicles will be purchased. Director of Operations Howell stated it is the Crown Victoria police package. This is a basic police and State patrol vehicle that is a heavy vehicle meeting police specifications. It has been developed over the old Galaxy 500 with over 30-40 years of input by the departments and design requirements.

Councilmember Jenkins stated that the Police Chief was trying to get the Impalas but, apparently from Hurricane Katrina, all the Impalas went to the coast.

Police Chief Gene Wilson stated that the Impalas did go to the coast, but when he test drove one he noticed that for some reason they have cut down the side view mirror by about 40% on each side which made it harder when changing lanes. They looked at trying to find a supplemental mirror and there was not one that would stand up under the rigor so that is when we changed direction and went with the Ford.

Councilmember Greenspan asked if the 62 vehicles were all police vehicles and not the service vehicles. Director of Operations Howell replied that there are 19 vehicles that are not, but they are still in the police package. Those are being equipped for the Police Chief and administrative use of the department with 43 vehicles fully equipped as patrol cruisers. Police Chief Wilson added that there is a pick-up truck and a van. The van would be used for a patty wagon and the pick-up truck for the person working supply, property, and evidence. Councilmember Greenspan asked if the pick-up truck that is included in this will be outfitted for police needs. Police Chief Wilson answered it would fit their needs. The only retrofitting we will have to do once we get the vehicles here is to install the radios and computers. He is still not sure if they are going to do the graphics down at Brannen Ford or locally. Councilmember Greenspan asked if the installation of the equipment would be included in this lease package. Director of Operations Howell stated that was included and was communicated to the low bidder.

Police Chief Wilson added that things like the emergency lighting, screens and cages for the patrol vehicles, push bumpers, and cameras will be installed at Brannen Ford. When we get the cars, we will have to put the radios and computers in them.

Councilmember Fries asked if the radios and computers would be added items and Chief Wilson replied that they were but, not added on the cost as he understands it. It will be an added item on cost other than what we are going to be paying to Brannen Ford. We have also worked with Motorola to be able to lease both the radios and computers from them to get us through this budget crunch.

Councilmember Greenspan requested the amount for a base vehicle. Police Chief Wilson stated that the State did price base vehicles at \$21,300 fully equipped and as specified at \$25,800. There is a good amount of equipment included and that is all included in this total master lease. Councilmember Greenspan asked when the first vehicles would be available in Sandy Springs. Police Chief Wilson replied that we should have the first vehicles and the unmarked vehicles in two weeks. Because they can only process about four cars per week at Brannen, the actual marked vehicles will probably start showing up around the first of April. Of course, they will not be on patrol until July 1st. Once we get them here, we have to send them to get the radios and all the graphics put in them.

Mayor Galambos stated that the master lease with GMA means that we can now access that source, and asked does that mean we are going to buy all our cars at one place or are we ordering each order in terms of who is the low bidder. Director of Operations Howell answered that is correct. You could pass the master lease and never use it, or use it this time and maybe use another one the next time depending on who has the best terms.

What we are proposing for Council's consideration is that you adopt the master lease and then the supplemental resolution approving up to 62 vehicles so that we are not coming back to the Council every single time. It gives the Acting City Manager the ability to coordinate delivery and the orders with the Police Chief and incur those leases with GMA each and every time.

Councilmember Greenspan asked what is our credit limit and finance boundaries. Director of Operations Howell stated that the lease document is actually worded with the Official Code of Georgia Annotated that it does not constitute debt. It is considered an operating expense and for purposes of debt the calculation does not add to that debt.

City Attorney Willard stated that it is a format that is used by GMA for cities to allow them to borrow through this leasing process to submit large sums of money initially so you get the three year pay out. The one question he has is the business proposal is open ended for all the vehicles up to a period of time or do you have to bid each time you acquire the vehicles. Director of Operations Howell replied no. His understanding is that the bid proposal from both vendors was for the 62 vehicles at the State bid price. City Attorney Willard asked is it open ended as far as delivery time and do we have a period of time in which to take or accept delivery of the vehicles. Director of Operations Howell replied that would be confirmed tomorrow with the dealer. We know that the dealer is expecting an order to hold the price and deliver the vehicles to us by February 1st. We want to structure the purchase order to lock that price and commitment in and instruct that they will only be billed to us and delivered to us as they are ordered. It is a capital lease with our option to purchase. We are not obligated to purchase these vehicles.

Councilmember DeJulio asked if at the end of the lease the vehicles automatically would become ours. Director of Operations Howell replied they do unless you opt to terminate payment and not make that final payment. Councilmember DeJulio asked if there is a capital payment due at the end of the lease. Director of Operations Howell replied no, it is advertised as capital lease. There is a \$1 fee transaction at that time. Councilmember DeJulio asked if we were able to buy these from a local Sandy Springs dealer. Police Chief Wilson stated that Brannen is in South Georgia by Cordele.

Finance Director Rapson stated we actually bid these to three vendors. We are picking the vendor who is below State contract. We are asking Council to approve the umbrella for the master lease and then the City Manager would initiate each order of that 62 to time in frame with the Police Chief's hiring of his personnel so we will not have 62 vehicles here all at once. In essence, it would be considered a blanket purchase order for 62 vehicles that we would enact as they are needed on the master lease at the price negotiated.

Councilmember DeJulio asked when we would see our first car on the street that says Sandy Springs Police. Police Chief Wilson stated that officially it would be July 1st. Unofficially, he would say the end of March or first of April. Councilmember DeJulio added that it would make a lot of people in Sandy Springs feel a lot better if we did have some of those police vehicles.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration.

City Clerk Marchiafava conducted a reading of a Resolution of the City of Sandy Springs (The "Lessee") Authorizing the Annual Appropriation of all Amounts Required Pursuant to Lessee's Participation in a Master Lease Agreement Sponsored by the Georgia Municipal Association.

City Clerk Marchiafava requested that Director of Operations Howell read the supplemental lease for consideration.

Agenda Item No. 06-036)
Resolution No. 2006-01-20

Director of Operations Howell conducted a reading of a Resolution for Supplemental Leases: A Resolution to Authorize and Director the Deputy City Manager to Execute One or More Lease Supplements for a Lease or Leases Under the GMA Direct Leasing Program; To Designate Such Leases as Qualified Non-Tax-Exempt Obligations; To Provide an Effective Date; and for Other Purposes.

Motion and Vote: Councilmember DeJulio moved approve the Resolution Authorizing a Master Contract with GMA Lease Pool and a Resolution for Supplemental Leases. Councilmember Paul seconded the motion. There was no further Council discussion. The motion passed unanimously.

(Agenda Item No. 06-035)

Approval of an Intergovernmental Agreement with Fulton County for Parks and Recreation.

Mayor Galambos stated that the next item is the approval of an Intergovernmental Agreement with Fulton County for Parks and Recreation.

Acting City Manager Bovos stated that the City entered into a memorandum of understanding for the use of a park for a one month period. That memorandum of understanding expired on January 31st. The IGA for consideration is for a one (1) year term invested at the provision of \$6,000 a month payment that we had previously negotiated through the memorandum of understanding.

There have been a couple of changes made through conversations he has had with Councilmember Greenspan and Councilmember Meinen McEnery. The first change is on the second page where the list of properties are identified that the IGA pertains to at the very bottom of that is Morgan Falls and in particular Bull's Sluice at 32 acres. The goal of that addition is to be sure that if the County decides to take any action on that property that it is tied up in the lease for a one (1) year period. Councilmember Meinen McEnery was instrumental in explaining that in order to prevent the sale of that property outside of the City knowing. In addition, on Section 5 pertaining to Councilmember Greenspan's stated we have added a comment at the

very end of that paragraph that he read into the record. The current statement on your IGA ends with the word County and we have added: "During the term of this agreement unless otherwise agreed to by both parties." What that specifically relates to is the ownership of the land. Councilmember Greenspan had a question about whether we were conveying to the County the ownership rights in the IGA. The goal was to not to do that in the IGA and continue negotiations about the distribution of the land that was included in the IGA. That has been clarified that in Section 5.

Staff's recommendation for the motion is to authorize him and the City Attorney to finalize negotiations. We have provided these comments back to the County late this afternoon and they have not accepted those at this time. We would move forward with them not having them accepted into the term of the agreement. They may have some different wording that we may need to come back and finalize in between the two parties. He would be happy to answer any questions.

Councilmember Greenspan asked for paragraph 5 to be read.

Acting City Manager Bovos read paragraph 5 for the record: Ownership of and title to said park properties, the building(s) whenever same are located on the various park properties and the real estate upon which said building(s) are located shall remain with the County during the term of this agreement unless otherwise agreed to by both parties.

Councilmember Greenspan asked the City Attorney if that would also carry forward into the last "whereas" on the first page when it talks about the County as owner within territory or do we need to make another modification there to stipulate that.

City Attorney Willard replied that he thinks that will change because what you are saying is making explicit what is implicit as long as there is different ownership then the agreement continues. If the County were to sell the property to the City then the fact that we owned the property would make the agreement come to termination.

Mayor Galambos asked if any of this language in any way hinders us from making our proposition that we have already paid for some of these properties and, therefore, the question of ownership is up in the air. City Attorney Willard stated that he does not see that being a limitation. We are acquiring the use of the property and taking the position of the County and the operation of the parks for the current time or even as to look at the lease as they have. For instance, with the North Fulton Tennis Center the same thing applies, and we are taking their position. We still need to go forward at some point in negotiation without these committed. It is what is in our obligation for the deal or what they will apply for us.

Councilmember Greenspan asked as it relates to our obligation to provide for the utilities of these facilities and asked is CH2MHill obligated to provide for lighting cost and electrical cost for the facility. Acting City Manager Bovos replied that is correct. If he recalls correctly, one of the questions that was very specific in relation to the ball fields at Morgan Falls and the scope of the CH2M Hill contract includes paying for not only electricity but, also water at the ball fields. Councilmember Greenspan asked if this would also include the North Fulton Tennis Center as well. Acting City Manager Bovos replied that it did. City Attorney Willard stated that the operator of the tennis center has that responsibility. Councilmember Greenspan added it would not be a responsibility of the City, CH2MHill or the lessee of the tennis center. City Attorney Willard stated that it would come under their operation lease.

Mayor Galambos asked about Hammond Park. Acting City Manager Bovos stated that Hammond Park is included as well in the scope. We have already taken over that facility.

Assistant City Manager Crace stated that Hammond Park is the primary location for the staff and there are three permanent people there now. Councilmember Greenspan asked if that staff is there on a regular basis. Acting City Manager Bovos replied yes. Councilmember Greenspan asked if we have had any diminishing services at Hammond Park since December 1st. Assistant City Manager Crace stated that registration is up and the same programs are being offered. The after school program initially did not have any subscribers. There were some late subscribers so we will get them into a program.

Councilmember Meinzen McEnerny stated that she would also like to point out that Acting City Manager Bovos can provide additional comments in that this agreement obligates the City to maintain the structural/capital repair of any buildings. She asked him to describe how we have handled the possibility of providing capital improvements to these buildings. Acting City Manager Bovos stated that the first thing that occurred was an assessment on the facility from a risk safety standpoint. Ruben Burch, CH2M Hill Risk Safety Manager, in conjunction with Buddy Reneau, Public Works Director, have gone through the facilities and have identified things that need to be repaired. There is actually work in progress. He received a report today regarding all of those items. Those are safety related or risk related issues that we want to be sure to address. That is one issue. There is an estimated expense of up to \$20,000 to do some of those repairs in order to bring some of those facilities up to what we would deem as standard operating maintenance type of issues.

The second challenge in the IGA requires that the City provide all maintenance on all of the facilities, which is a little bit different than we had originally anticipated. For an example, if a roof leaks or an air conditioner goes out, we are ultimately responsible to get that repaired. We have been very diligent with the County letting them know that we will do temporary fixes until the disposition of the property occurs but, in no way are we doing capital improvements or capital repairs. For example, we would patch a roof verses putting a whole new roof on until we knew that facility was City owned. The risk associated with some of the repairs and maintenance outside of the risk issues could be up to \$60,000. Obviously, that is clearly an unknown number at this point. That is a contingency that we are currently debating at this point but, we will not need to use any of those funds until the point in time comes where there is a repair that needs to occur. Our goal is to mitigate those the best that we can.

Motion and Vote: Councilmember Meinzen McEnerny moved to authorize the Acting City Manager and City Attorney to complete negotiations on the City's behalf with Fulton County for an Intergovernmental Agreement for parks. Councilmember Fries seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked if there was any other business to bring before the Council.

Other Business

Councilmember Paul stated that this weekend there was a large political gathering in the community. They were all personal friends of his and we have seen a number of political signs in their community. He wants to salute the staff for going out there and citing all those candidates who are running for Lt. Governor, Secretary of State, and all those other offices who want to pass laws, but then come into our City and not obey ours. The great part about it was if any of those candidates put up any illegal signs over the next two years they will appear before our City Magistrate. He would urge the gathered assembled that if you see any political signs improperly placed, to please call our staff. The only thing that was embarrassing about it was that one of his employees was also cited who was working one of the campaigns.

Councilmember Paul saluted the City staff for doing a great job in helping keep our community clean.

Councilmember Greenspan stated that he has one point of personal privilege. Tomorrow evening in District 1, there will be a Town Hall Meeting. He invited his fellow Councilmembers and Mayor to attend, as well as anyone in the audience. It will be at the Brandon Hall School at 7:00 P.M.

Adjournment (Agenda Item No. 06-037)

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

There being no other business the meeting adjourned at 7:57 p.m.

Date Approved: February 21, 2006



Jeannette R. Marchiafava, City Clerk



Eva Galambos, Mayor