

## CITY UTILITIES COMMITTEE

### MINUTES

SEPTEMBER 18, 2006

Due to a lack of a quorum, the regularly scheduled meeting of the City Utilities Committee was held, on **Monday, September 18, 2006 at 9:18 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Ceasar C. Mitchell, Chair**  
**The Honorable Ivory L. Young, Jr., Vice-Chair**  
**The Honorable Howard Shook**  
**The Honorable Clair Muller**  
**The Honorable Carla Smith**

The following member was absent:

**The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmember Mary Norwood; Peter Andrew, Stephanie Grant, Renee Shepherd and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, George Barnes and Joseph Basista, Department of Watershed Management; Nursef Kedir, Department of Public Works; Cathy Martin and David Chapman, Office of Procurement; Greg Pridgeon and Joe Morris, Office of the Mayor; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:18 a.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 COMMUNICATION**
- B. **APPROVAL OF MINUTES - APPROVED**
- C. **AN OVERVIEW OF THE WATER/SEWER COLLECTION PROCESS – LESLIE WARD – CITY AUDITOR AT THE NEXT CU MEETING**
- D. **PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

06-O-1934 ( 1)     An Ordinance by Councilmember Carla Smith **as amended by City Utilities Committee to abandon** a portion of Fraser Street, SE located between Solomon Street and its dead-end by I-20, consisting of approximately 0.128 acre and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 53 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 09/18/06)**  
**FAVORABLE AS AMENDED**

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**ORDINANCES FOR SECOND READING (CONT'D)**

06-O-1957 ( 2) An **Amended** Ordinance by City Utilities Committee to **abandon** a portion of Lakeside Drive between Wright Avenue and Kingsboro Road, being more specifically described in the legal description attached as Exhibit "A"; said property lying and being in Land Lot 9 of District 17, Fulton County, Georgia; and for other purposes. **(Public Hearing held 09/18/06)**

**FAVORABLE AS AMENDED**

**E. ORDINANCES FOR SECOND READING**

06-O-1937 ( 1) An Ordinance by Councilmember Ceasar C. Mitchell authorizing the Mayor to execute a Franchise Agreement with Fiberlight, LLC, to provide Telecommunications Services using the public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE - 3<sup>RD</sup> READING, FINAL ADOPTION**

06-O-1947 ( 2) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes.  
**(Councilmember Mitchell made a motion to hold at the request of the Law Department.)**

**HELD**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 06-O-1958 ( 3) A **Substitute** Ordinance by City Utilities Committee authorizing the Mayor or her designee to enter into a Bridge Agreement between the Board of Regents of the University System of Georgia by and on behalf of Georgia State University and the City of Atlanta, for the renovation and expansion of a presently existing pedestrian bridge, for the waiving of associated monthly rental fees; and for other purposes.  
**(Councilmember Young made a motion to approve on substitute on condition.)**

**FAVORABLE ON SUBSTITUTE ON CONDITION**

- 06-O-2048 ( 4) An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to amend the City of Atlanta's Code of Ordinances Section 138-5 alleys, so as to define the ownership of the Alleys and maintenance thereof of the Alleys in the City of Atlanta, to immediately begin the defined statutory procedure for abandoning the City of Atlanta's interest in alley; to request Fulton County to amend the County's Tax Map and to properly adjust all property within Fulton County to properly access property value and taxes and that millage rate reduction would occur equal to the tax increase; and for other purposes.  
**(Councilmember Young made a motion to hold for a work session.)**

**HELD**

- 06-O-2049 ( 5) An Ordinance by Councilmember Carla Smith to amend Ordinance to amend Ordinance 06-O-1060 to amend the location of the walking path; to provide access to the developer in the area behind the fence for the purpose of grading; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

**ORDINANCES FOR SECOND READING (CONT'D)**

06-O-2051 ( 6) An Ordinance by Councilmember Ceasar C. Mitchell amending the 2006-2007 (Solid Waste Management Authority Construction Fund) Budget by transferring appropriations from Reserve into specified project center accounts to fund the cost of landfill closure modifications, real estate appraisals and acquisition, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE**

06-O-2057 ( 7) An Ordinance by Councilmember Mary Norwood amending the City of Atlanta's Code of Ordinances by inserting language in the Solid Waste Section that will effectively deal with litter violators; and for other purposes.  
**(Councilmember Mitchell made a motion to hold at the request of the Law Department.)**

**HELD**

**F. RESOLUTIONS**

06-R-1900 ( 1) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Integral Municipal Service Corporation, for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipe Bursting Contract C, for Peachtree Creek Sewer Basin, on behalf of the Department of Watershed Management; in an amount not to exceed \$6,030,509.35; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Fac. other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes. **(Referred back by Full Council 9/5/06)**  
**(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**RESOLUTIONS (CONT'D)**

06-R-2038 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with AUI, LLC, for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning and Pipeline Assessment, on behalf of the Department of Watershed Management; in an amount not to exceed \$3,999,996.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

06-R-2039 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Camken-Reynolds, LLC, for FC-6005007986, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract A; on behalf of the Department of Watershed Management; in an amount not to exceed \$4,248,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

06-R-2040 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Compliance EnviroSystems, LLC, for FC-6005007987, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract B; on behalf of the Department of Watershed Management; in an amount not to exceed \$4,298,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

06-R-2041 ( 5) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Southeast Pipe Survey, for FC-6005007988, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract C, on behalf of the Department of Watershed Management; in an amount not to exceed \$4,298,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

06-R-2042 ( 6) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Atlanta Infrastructure Managers, JV, for FC-6005007989, Sewer System Evaluation/Survey of Wastewater Collection and Transmission System Sewer Groups 3 and 4 – Contract D, on behalf of the Department of Watershed Management; in an amount not exceed \$4,248,910.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

06-R-2043 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with CH2M Hill/WRJ-JV, for FC-7619-03C, Annual Contract for Architectural and Engineering Services, for the purpose of performing certain engineering services the City must complete as a result of closing its landfills and pursuant to a Consent Order with the State of Georgia, on behalf of the Department of Public Works, in an amount not to exceed \$1,330,315.00; all contracted work shall be charged to and paid from Various Fund, Account and Centers.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**G. ORDINANCE FOR FIRST READING**

06-O-2037 ( 1) An Ordinance by City Utilities Committee to amend the 2006-2007 (Water and Wastewater Bond Fund) Budget by transferring funds in the amount of \$141,900.00 from the Reserve for Appropriations to add funding for Facility Roofing Water Annual Contract Project; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**H. PAPERS HELD IN COMMITTEE**

06-O-0306 ( 1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**

**HELD**

06-O-0472 ( 2) An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**

**HELD**

06-R-0563 ( 3) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

**HELD**

**PAPERS HELD IN COMMITTEE (CONT'D)**

06-O-0937 ( 4) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**

**HELD**

06-O-1454 ( 5) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

**HELD**

06-O-1573 ( 6) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**

**HELD**

06-O-1680 ( 7) A **Substitute** Ordinance **as amended** by City Utilities Committee authorizing the Mayor or her designee to execute all appropriate documents for certain Pumping Station and Water Mains Projects; to negotiate with property owners to acquire necessary rights-of-way, easements and other related property interests, including condemnation proceedings; authorizing the City Attorney to proceed with the Declarations of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4; to acquire title to rights-of-way,

**PAPERS HELD IN COMMITTEE (CONT'D)**

easements and other related property interests necessary to complete the water projects; all contracted work shall be charged to and paid from appropriate Land Acquisition and Easement Fund, Account and Center Numbers; and for other purposes.

**(Councilmember Muller made a motion to approve on substitute as amended.)**

**FAVORABLE ON SUBSTITUTE AS AMENDED**

- 06-R-1936 ( 8) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$24,500.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the North Avenue CSO on July 29, 2006, August 8, 2006 and August 15, 2006; Clear Creek CSO on August 20, 2006 and Custer Avenue CSO on August 22, 2006; pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Substituted and held 8/29/06 at the request of the Department of Watershed Management.)**

**HELD**

- 06-R-1948 ( 9) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor or her designee to encumber Phase Three (3) Funding in the amount of \$11,823,328.50, for the agreement with Atlantic Skanska, Inc., for FC-3005007865, West Area CSO Treatment Plant Project and on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal & Extension Fund) 574001 (Fac. other than Buildings) Q38I029094DA (West Area CSO Treatment Plant); and for other purposes. **(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

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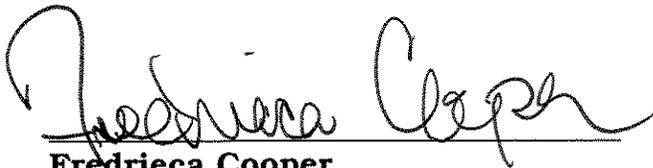
**I. ITEMS NOT ON THE AGENDA**

06-C-1963 ( 2) A Communication by President Lisa M. Borders appointing **Mrs. Carol H. Chestnut** to the Keep Atlanta Beautiful Commission. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Councilmember Muller made a motion to approve.)**

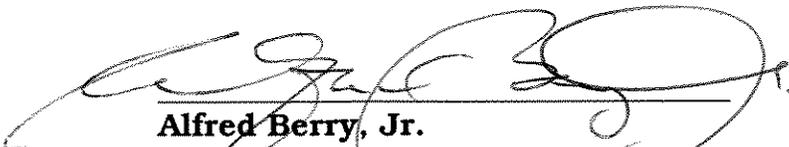
**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**There being no further business to come before the Committee, the meeting was adjourned at 10:37 a. m.**

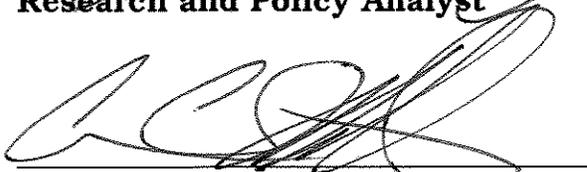
**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Alfred Berry, Jr.  
Research and Policy Analyst**



**The Honorable Ceasar C. Mitchell, Chair  
City Utilities Committee**