

CITY UTILITIES COMMITTEE

MINUTES

DECEMBER 12, 2006

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, December 12, 2006 at 9:43 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 Clair Muller
The Honorable Carla Smith
The Honorable Howard Shook

The following member was not present:

The Honorable Natalyn M. Archibong

Others present at the meeting were: Roger Bhandari, Stefanie Grant, Peter Andrew and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, Sally Mills and Joseph Basista, Department of Watershed Management; Commissioner David E. Scott, James Swope and Nursef Kedir, Department of Public Works; Cathy Martin, Office of Procurement; member of the public and Council Staff.

Chairman Mitchell called the meeting to order at 9:43 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 THREE RESOLUTIONS**
- B. APPROVAL OF MINUTES - APPROVED**
- C. PUBLIC HEARING - ORDINANCE FOR SECOND READING**

06-O-2595 (1) An Ordinance by Councilmember Cleta Winslow **as amended by City Utilities Committee to abandon** the portion of Garnett Street between Pryor Street and Peachtree Street, as described in Exhibit "A"; to consolidate the properties located at 231 Pryor Street, SW, 237 Pryor Street, SW, 193 Garnett Street, SW, 208 Peachtree Street, SW, 202 Peachtree Street, SW, and 204 Peachtree Street, SW and the former site of the Municipal Court at 170 Garnett Street, SW; and for other purposes. **(Public Hearing held 12/12/06 (Councilmember Shook made a motion to approve as amended.)**

FAVORABLE AS AMENDED

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D. ORDINANCE FOR SECOND READING

- 06-O-2687 (1) An Ordinance by Councilmember Anne Fauver to **abandon** a portion of Harriett Avenue, NW located between Page Avenue and the Dead-End of Harriett Avenue consisting of 0.1607 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 239 of the 15th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing.)**
(Councilmember Mitchell made a motion to hold for a public hearing.)

HELD

E. RESOLUTIONS

- 06-R-2638 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No.3 with A & D Painting, Incorporated, for FC-6005007917, Annual Contract for Painting and Pressure Washing Services, for additional funding, on behalf of the Department of Watershed Management, in an amount not to exceed \$400,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q64001 (Plant Maintenance); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2639 (2) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No.4 to the River/Lake Management Services Agreement FC-6005008018, for additional compensation for coordination of water demand and storage, on behalf of the Department of Watershed Management in an amount not to exceed \$172,824.96; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

06-R-2641 (3) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No.1 with Docucorp International, Inc., for FC-6005007966, for Bill Payment Print Services, on behalf of the Department of Watershed Management in an amount not to exceed \$1,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q71101 (Customer Service/Administrative Support); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-2642 (4) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No.2 with Kemi Construction Company, Inc., for FC-6004007803A, Annual Contract for Small Water Meters with Backflow Prevention Devices, on behalf of the Department of Watershed Management in an amount not to exceed \$9,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 574001 (Facilities other than Buildings) Q65J081394DA (Small Meter Installation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-2643 (5) A **Substitute** Resolution by City Utilities Committee authorizing the Chief Financial Officer to pay all outstanding invoices to Deep South Industrial Services, Inc., on behalf of the Department of Watershed Management, for Emergency Sludge Hauling, Removal Services & Belt Presses for Chattahoochee & Hemphill Water Treatment Plants, in an amount not to exceed \$527,292.55; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Shook made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

- 06-R-2669 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a portion of Marietta Boulevard to a temporary State Route for Bridge Improvements; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2684 (7) A Resolution 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 \$_____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ 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.
(Councilmember Mitchell made a motion to hold.)

HELD

- 06-R-2685 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No.2 with Water Management Services, Inc., for FC-6004007697, Annual Contract for Testing and Analysis of Large Water Meters, on behalf of the Department of Watershed Management, with no additional funding required; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

F. 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

PAPERS HELD IN COMMITTEE (CONT'D)

- 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.) (Councilmember Young made a motion to file.)**

FILE

- 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

- 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

PAPERS HELD IN COMMITTEE (CONT'D)

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-1947 (7) 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. **(Held 9/18/06 at the request of the Law Department.)**

HELD

06-O-2057 (8) An Ordinance by Councilmember Mary Norwood **as substituted by City Utilities Committee** amending Chapter 74: Environment, of the City of Atlanta's Code of Ordinances by creating a new Article XI Litter Control, to provide for uniform prohibition of litter within the City Limits of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department for review of the penalty section) (Substituted and held 12/12/06)**

SUBSTITUTED AND HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

06-R-2299 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the United States Army Corps of Engineers for a project to analyze and map flood prone areas associated with storm water runoff within the Combined Sewer Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$333,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q38I029294DA (CSO Cost Sharing); and for other purposes. **(Held 10/31/06 at the request of the department.)**

HELD

06-C-2385 (11) A Communication by Mayor Shirley Franklin re-appointing **Ms. Mary L. Floyd** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Young made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

06-O-2476 (12) An Ordinance by Councilmembers Howard Shook and Anne Fauver to amend Sections 138-14(d) and 138-103 of the Code of Ordinances so as to implement a sidewalk inspection, repair and notice process pertaining to damaged sidewalks which abut the public right-of way; and for other purposes. **(Held 11/14/06 pending further review from the Law Department and a Work session in 2007)**

HELD

06-R-2482 (13) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor or her designee to enter into an agreement with Housing Group Partners, LLC ("Housing Group"), providing for the non-standard location of water meters on private property located in the City of Atlanta, Fulton County, Georgia, to which the City provides water services; and for other purposes. **(Held 11/14/06 pending further review.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

06-R-2551 (14) A Resolution by City Utilities Committee authorizing the Mayor to enter an Encroachment Agreement for non-conforming uses with the United States of America, by and through the Administrator of General Services for the installation of Hydraulic Bollards, Planters and related amenities surrounding the United States Court of Appeals Building in the City of Atlanta, on behalf of the Department of Public Works; and for other purposes. **(Held 11/28/06 for further review by the Department of Public Works.)**
(Chairman Mitchell requested Stefanie Grant of the Law Department, to find out and report back to the Committee, the ultimate goal of the Federal Government with respect to this project.)

(Chairman Mitchell also inquired of Ms. Grant as to the degree of the discussions about the project which were held with the residential neighbors.)

HELD

G. APPRAISAL

- (1) Appraisal of the **abandoned** portion of Norcross Street, SW consisting of 41,116 square feet the Appraiser has estimated the fair market value to be \$370,000.00 which indicates \$9.00 per square foot.

(Councilmember Shook made a motion to accept the appraisal.)

MOTION CARRIED

H. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management to discuss storm water runoff in flood prone areas where the sewers (sanitary and storm water) have been separated, she also would like the department to identify any grant funds that maybe available for this purpose.
2. Councilmember Mitchell requested itemized expenses from the Atlanta Regional Commission on funds spent on the Water Wars Agreement for the last three (3) years.

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I. ITEMS NOT ON THE AGENDA

- 06-R-2706 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Intergovernmental Agreement with Cobb County, Georgia, for the Atlanta Road Bridge Improvements, on behalf of the Department of Public Works; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2707 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Republic Services of Georgia, LP for FC-7650-04B, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, in an amount not to exceed \$3,600,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 524001 (Consultant/Prof. Services) M38101 (Disposal-Administration); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

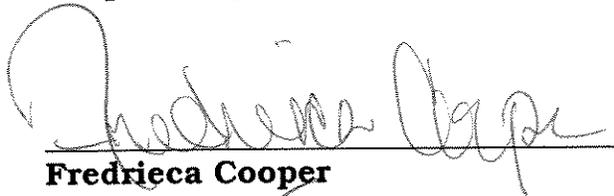
- 06-R-2708 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Advanced Disposal Services, Inc., for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, in an amount not to exceed \$1,800,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 524001 (Consultant/Prof. Services) M38101 (Disposal-Administration); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE (1 NAY) YOUNG

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There being no further business to come before the Committee, the meeting was adjourned at 11:26 a. m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas for Alfred Berry, Jr.
Research and Policy Analyst**



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