

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**MARCH 27, 2007**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 27, 2007 at 9:22 a.m.**, in Committee Room #2. The following members were present:

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

Others present at the meeting were: Renee Shepherd, Marc Goncher and Nikki Turner, Law Department; Deputy Commissioners Shelia Pierce, George Barnes and Joseph Basista, Department of Watershed Management; Madelyn Grant, Department of Public Works; Cathy Martin, Office of Procurement; member of the public and Council Staff.

Chairwoman Smith called the meeting to order at 9:22 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD A ONE APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. A BRIEF DISCUSSION ON THE BELLSOUTH-AT&T MERGER - DENNIS BOYDEN, REGIONAL MANAGER-EXTERNAL AFFAIRS, AT&T**

### **CONSENT**

**D. ORDINANCES FOR FIRST READING**

07-O-0561 ( 1) An Ordinance by City Utilities Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Public Works ("DPW"), by adding funds, to anticipations and appropriations, in the amount of \$327,576.00 from the Department of Public Works, for the purpose of funding the Hollywood Road Sidewalk Improvement Project; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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

07-O-0562 ( 2) An Ordinance by City Utilities Committee amending the 2007 (Intergovernmental Grant Fund) Budget, by transferring appropriations from Pryor Road Trail Project to the Metropolitan Parkway Project to fund the construction of the Metropolitan Parkway Streetscape Project, on behalf of the Department of Public Works; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E. PUBLIC HEARINGS – ORDINANCES FOR SECOND READING**

07-O-0454 ( 1) An **Amended** Ordinance by City Utilities Committee to **abandon** a portion of Bryan Avenue, SE, located between Park Avenue and the Dead-End of Bryan Avenue, lying in Land Lot 44, Council District 1, Fulton County, Georgia, consisting of approximately 0.52 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(Public Hearing held 3/27/07)**  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

07-O-0455 ( 2) An **Amended** Ordinance by City Utilities Committee to **abandon** a portion of Mullins Street, SW, located between Tee Road and the Dead-End of Mullins Street, lying in Land Lot 212, Council District 2, Fulton County, Georgia, consisting of approximately 0.2098 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(Public Hearing held 3/27/07)**  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**F. ORDINANCES FOR SECONDING READING**

- 07-O-0451 ( 1) An **Amended** Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the purpose of construction and roadway improvements for the Jesse Hill Bridge (Butler Street Bridge), Powers Ferry Road Bridge, Mitchell Street Bridge and Piedmont Avenue Bridge; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the wavier of Sections 2-1541 (d), 2-1542 and 2-1545(d) of the Code of Ordinances; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; for other purposes.  
**(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 07-O-0452 ( 2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the Fiscal Year 2007 (Water and Wastewater Renewal and Extension Fund) Budget, on behalf of the Department of Watershed Management, in the amount of \$7,114,210.00 to transfer funds from the Reserve for Appropriation for various cost associated with the fund; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

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

- 07-O-0453 ( 3) An Ordinance by City Utilities Committee amending the 2007 (General Government Capital Outlay Fund, 1994 Referendum G. O. Bond Fund, 1994 Bond Project Fund and 1996 G. O. Public Improvement Bond Part B) Budget by transferring funds from several Project Centers to other Project Centers, in the amount of \$1,245,905.33 on behalf of the Department of Public Works, for the purpose of funding the purchase of right-of-way for the Mitchell Street Bridge Project; and for other purposes.  
**(Councilmember Muller made a motion to forward with no recommendation on condition.)**

**FORWARDED WITH NO RECOMMENDATION ON CONDITION**

- 07-O-0456 ( 4) An **Amended** Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the purpose of construction and design of various unpaved streets pursuant to the City of Atlanta's Unpaved Street Paving Program; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the wavier of Sections 2-1541 (d), 2-1542 and 2-1545(d) of the Code of Ordinances; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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

- 07-O-0457 ( 5) An **Amended** Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the completion of the Simpson Road Streetscape, Greenbriar Parkway Streetscape, Headland Drive Streetscape, Barge Road Intersection Improvement, Lakewood Heights Streetscape, Perry Road Streetscape, Phase 2, Bolton Road Streetscape, Marietta Boulevard Streetscape, Cheshire Bridge Streetscape 2, North Highland Streetscape, Phase 2 and East Atlanta Village; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the wavier of Sections 2-1541(d), 2-1542 and 2-1545(d) of the Code of Ordinances; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 07-O-0613 ( 6) An Ordinance by Councilmember Jim Maddox authorizing the Mayor or her designee to waive the sidewalk requirement of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-40, (1571 Dodson Drive, SW applicant deposit a dollar amount (\$3,900.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 11; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

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

- 07-O-0617 ( 7) An Ordinance by Councilmembers Carla Smith and Anne Fauver authorizing the Commissioner of Public Works, on behalf of the Mayor, to waive paragraphs (a)(1) and (4) of Section 138-60 of the Code of Ordinances of the City of Atlanta, for the issuance of a Banner Permit to the Atlanta Botanical Garden; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 07-O-0620 ( 8) An Ordinance by Councilmembers Carla Smith, Felicia Moore, Ceasar Mitchell, Clair Muller, Mary Norwood, Anne Fauver and Ivory L. Young, Jr. **as substituted by City Utilities Committee** amending the 2007 (2004 Quality of Life Bond Funds) Budget by transferring funds from and to Appropriations for the purpose of reprogramming; and for other purposes.  
**(Councilmember Muller made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**G. RESOLUTIONS**

- 07-R-0564 ( 1) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Electronic Data Systems Corporation for FC-7672-04, Amended and Restated Services Agreement for IT Services, on behalf of the Department of Watershed Management, with a reduction in scope of services, in an amount not to exceed \$167,547.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q71201 (Technical Support); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 07-R-0565 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 3 with Jordan, Jones & Goulding, Inc., FC-7425-02, Civil Engineering and Field Inspection Services, on behalf of the Department of Watershed Management; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 07-R-0566 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Montgomery Watson (MWH Americas, Inc.)/Khafra Engineering Consultants, Inc., JV for FC-7093-99, Program Management Services for the Atlanta Wastewater System Improvements Program, on behalf of the Department of Watershed Management, in an amount not to exceed \$23,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q11I050194DA (Program Management Services); and for other purposes.  
**(Councilmember Smith made a motion to hold for two PMT/Council Work Sessions 4/17/07 & 4/18/07.)**

**HELD**

- 07-R-0567 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Memorandum of Understanding with Soccer In The Streets, Inc., a non-profit organization, to allow for the use of certain City of Atlanta property located in the Vine City Community for the purpose of passive recreational uses on behalf of the Department of Watershed Management; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 07-R-0568 ( 5) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Stewart Bros., Inc., for FC-3006007977, Annual Asphaltic Concrete Pavement and Milling Resurfacing Contract, on behalf of the Department of Watershed Management, in an amount not to exceed \$5,612,244.50; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 07-R-0569 ( 6) A Resolution by City Utilities Committee authorizing the Mayor to execute a Third Party Cost Sharing Agreement with JH Holdings, Inc. and 3280 Peachtree I, LLC, to construct the Sewer System in the Revitalization Area, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38102739999 (Sewer Group One Rehabilitation); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 07-R-0570 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Shaheed Construction Company, Inc., for FC-6004007818, Annual Contract for Raising Manholes and Valve Covers, on behalf of the Department of Watershed Management, in an amount not to exceed \$700,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension ) 574001 (Facilities other than Buildings) Q65101 (Contract Inspections); and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

07-R-0572 ( 8) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Long Engineering, Inc., for FC-6005007887-C, Annual Contract for Professional Design Services for Various Quality of Life Projects (Project E: Simpson Road Streetscape Transportation Enhancements), on behalf of the Department of Public Works, in an amount not exceed \$155,118.00; all work will be charged to and paid from Fund, Account and Center Number: 1C50 574001 Y63F058392BH; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

07-R-0573 ( 9) An **Substitute** Resolution by City Utilities Committee **as amended** authorizing the Mayor to enter into Renewal Agreement No. 1 with HDR Engineering, Inc., for FC-6005007887-D, Annual Contract for Professional Design Services for Various Quality of Life Projects (Projects F: Cascade Mays Streetscape Phase II Transportation Enhancements), on behalf of the Department of Public Works, in an amount not to exceed \$78,900.00; all 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 as amended.)**

**FAVORABLE ON SUBSTITUTE AS AMENDED**

07-R-0574 (10) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Pond & Company for FC-6005007887-B, Annual Contract for Professional Design Services for Various Quality of Life Projects (Project C: Bolton/Marietta a Livable Center Initiative, Project D: Bolton/Moore's Mills Transportation Enhancement and Project G: Marietta Boulevard), on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**RESOLUTIONS (CONT'D)**

- 07-R-0575 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Engineering Design Technologies, Inc., for FC-6005007887-A, Annual Contract for Professional Design Services for Various Quality of Life Projects (Project A: West End LCI and Project B: Greenbriar Town Center), on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Smith made a motion to hold.)**

**HELD**

- 07-R-0576 (12) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to CH2M Hill/Williams Russell & Johnson, JV, for FC-7619-03C, Annual Contract for Architectural and Engineer Services, for the purpose of providing Raw Water Transmission System Rehabilitation and New Reservoir Transmission System Design, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,451,839.00; all work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q65J08179999 (Raw Water Transmission Mains); and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE (1 ABSTENTION) YOUNG**

- 07-R-0616 (13) A Resolution by Councilmember Carla Smith 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 Smith made a motion to hold.)**

**HELD**

**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.)**
- 06-R-0563 ( 2) 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.)**
- 06-O-0937 ( 3) 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.)**
- 06-O-1454 ( 4) 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.)**
- 06-O-1573 ( 5) 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.)**

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

- 06-O-1947 ( 6) 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.)**
- 07-R-0002 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review.)**
- ( 8) Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of 19.50 acres proposed assemblage tract or \$1,300,000.00 per acre, or \$29.84 per square foot. **(Held 1/9/07 for further review.)**

**I. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2. Councilmember Muller made a request to the Department of Finance and Department of Public Works to present to the Committee a status report on the 1994 G. O. Bond Projects.

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**J. ITEM NOT ON THE AGENDA**

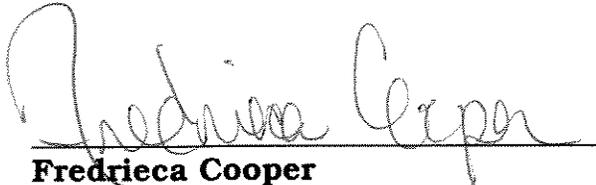
**APPRAISAL**

- ( 1) Appraisal of the **abandoned** Harriett Avenue, NE, consisting of two tracts with square footage indicated below

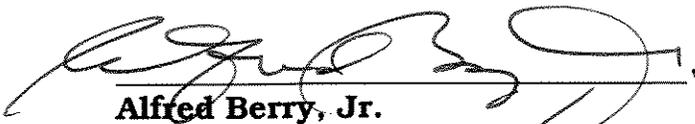
<u>Tract</u>	<u>Square Ft.</u>	<u>Price per Sq. Ft.</u>	<u>Fair Market Value</u>
North Parcel	2,707	\$22.00	\$12,000.00
South Parcel	4,796	\$22.00	<u>\$21,000.00</u>
<b>Total</b>			<b>\$33,000.00</b>

**There being no further business to come before the Committee, the meeting was adjourned at 10:57 a.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



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



**The Honorable Carla Smith, Chair  
City Utilities Committee**