

CITY UTILITIES COMMITTEE

MINUTES

MAY 29, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, May 29, 2007 at 9:06 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 Clair Muller
The Honorable Natalyn M. Archibong

The following member was absent:

The Honorable Ivory L. Young, Jr.

Others present at the meeting were: Stefanie Grant and Marc Goncher, Law Department; Robert Hunter, Commissioner, Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills, and Joseph Basista, Janet Ward, Department of Watershed Management; Madelyn Grant and Nursef Kedir, Department of Public Works; members of the public, press and Council Staff.

Chairwoman Smith called the meeting to order at 9:06 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 ADDENDUM AND AN APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. OPERATION AND PERFORMANCE REPORT - DEPARTMENT OF WATERSHED, ROBERT HUNTER**

E. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

- 07-O-0982 (1) An Ordinance by Councilmember Kwanza Hall to **abandon** that portion of John Wesley Dobbs Avenue, NE located between Jackson Street and the Dead End of John Wesley Dobbs Avenue consisting of 11,914 square feet (0.27 acre), more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 46 of the 14th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 5/29/07)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-O-0985 (2) An Ordinance by Councilmembers Howard Shook and Carla Smith to **abandon** that certain portion of Bolling Way located between Pharr Road and Buckhead Avenue and also **abandon** a portion of Bolling Way located immediately north of the intersection of Bolling Way with Buckhead Avenue, such parcels consisting of a total of 0.47 acre, more or less, lying and being in Land Lot 99 of the 17th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 5/29/07)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

F. ORDINANCES FOR SECOND READING

- 07-O-0937 (1) An Ordinance by City Utilities Committee amending Article V, Chapter 154, Section 301 of the Code of Ordinances so as to provide for modifications to the City of Atlanta Industrial Pretreatment Program; to set allowable pollutant levels on process discharges for industrial users; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0938 (2) An Ordinance by City Utilities Committee to amend the 2007 (2005 Water and Wastewater Renewal and Extension Fund) Budget by anticipating and appropriating \$19,000,000.00 in proceeds from a loan, #2005L05WQ, from the Georgia Environmental Facilities Authority (GEFA) to partially finance the construction of the West Area Combined Sewer Overflow Storage Tunnel; authorizing the Chief Financial Officer to anticipate and appropriate in the Water and Wastewater Renewal and Extension Fund, all future reimbursement loan proceeds to the City from GEFA Funds and GEFA Administered Funds that finance or partially finance Water and Wastewater Treatment and Collection System Capital Improvement Projects approved by GEFA to receive said funding; and for other purposes.
(Councilmember Smith made motion to file.)

FILE

- 07-O-0956 (3) An Ordinance by City Utilities Committee to repeal Section 154-73, Chapter 154, Article III, Division 1, Water, of the City of Atlanta Code of Ordinances; and to establish comprehensive water use restrictions, authorize the Mayor or her designee to set outdoor water use restrictions based upon drought response levels declared by the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia; to provide for additional water use restrictions during emergency conditions, repairs and water shortages, to establish provisions for adequate enforcement of outdoor water use schedules and other water use restrictions during emergency conditions, repairs and water shortages; and for other purposes.
(Councilmember Shook made motion to hold for a work session.)

HELD

ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-1099 (4) An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to amend Ordinance Number 07-O-0246 by correcting the amount being transferred to the District 8 Sidewalk Program Account; and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

- 07-O-1108 (5) An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to rename Bishop Street, NW in the City of Atlanta to 17th Street, NW and to waive Section 138-8 (b) 4 (a); and for other purposes. **(To be advertised for a Public Hearing)**
(Councilmember Smith made motion to hold for a public hearing.)

HELD

G. RESOLUTIONS

- 07-R-1076 (1) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Renewal Agreement No.1 with Site Engineering, Inc., for FC-3006007923, Annual Contract for Streambank Stabilization and Bio-Engineering Systems on behalf of the Department of Watershed Management; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J01 (Water and Wastewater Revenue Fund) 524001 (Consulting and Professional Services) Q82001 (Greenway Planning and Acquisition); and for other purposes.
(Councilmember Shook made motion to approve as amended.)

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

07-R-1078 (2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Brindley, Pieters & Associates, JV, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, to provide Construction Management Services for the reconstruction and refurbishing of the retaining wall at Martin Luther King, Jr. Drive, on behalf of the Department of Public Works, in an amount not to exceed \$68,100.00; all work will be charged to and paid for Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac. other than Buildings) M65F072392BH (St. Resurfacing & Reconstruction, District 3); and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

07-R-1079 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 with Desmar Systems, Inc., for FC-3006007928, Perry Boulevard Streetscape Project, on behalf of the Department of Public Works, in an amount not to exceed \$804,588.90; all contracted work shall be charged to and paid for Various Fund, Account and Center Numbers.
(Councilmember Shook made motion to approve.)

FAVORABLE

07-R-1080 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Shaheed's Construction, for FC-3007000005, Cascade-Mays Streetscape, Phase 3, on behalf of the Department of Public Works in an amount not to exceed \$378,559.70; all contracted work will be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Fund) 574001 (Fac. other than Buildings) Y63F064492BH (Cascade/Mays Village Center); and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 07-R-1081 (5) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group, a Joint Venture, for FC-7619-03B, Annual Contract for Architectural and Engineering Services, for the Planning, Concept and Design Development for North Highland Avenue Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$70,642.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac. other than Buildings) Y63F058692BH (Streetscape Projects, District 6); and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

- 07-R-1097 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Turner Construction Company/H. J. Russell & Company/OLH International, a Joint Venture, for the Construction and Operation of a temporary tie-back support system, on behalf of the Department of Public Works; and for other purposes.
(Councilmember Shook made motion to approve on condition.)

FAVORABLE ON CONDITION

- 07-R-1114 (7) A **Substitute** Resolution by City Utilities Committee to re-impose a Special One Percent Sales and Use Tax to fund Water and Sewer Projects and costs, subject to referendum approval; to regulate and provide for the calling of an election and to call an election to determine the re-imposition or non-re-imposition of the Sales and Use Tax; to specify the aggregate maximum cost of such projects and maintenance and operation costs to be funded by the sales and use tax; to specify the maximum period of time the sales and use tax will be re-imposed; and for other purposes.
(Councilmember Shook made motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

- 07-R-1117 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the Georgia Environmental Facilities Authority (GEFA) for the purpose of funding certain Wastewater and Drinking Water Capital Improvements in an amount not to exceed \$50,000,000.00; authorizing the Mayor to execute an Electronic Debit Transaction Authorization with Georgia Environmental Facilities Authority to facilitate repayment of said loans; and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

H. ORDINANCE FOR FIRST READING

- 07-O-1075 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Bolton Place, NW located between Bolton Drive and Marietta Boulevard and a portion of Bolton Drive, NW, between the Dead End of Bolton Drive to approximately 306.76 feet west of Bolton Place, lying in Land Lot 221, Council District 9, Fulton County, Georgia, consisting of approximately 1.47 acres and being more specifically described in the attached exhibit "A"; and for other purposes.
(To be advertised for a Public Hearing)

TO BE REFERRED TO CITY UTILITIES COMMITTEE

I. 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

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PAPERS HELD IN COMMITTEE (CONT'D)

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)**

HELD

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)**

HELD

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)**

HELD

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)**

HELD

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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)**

HELD

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)**

HELD

(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)**

HELD

07-R-0750 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Players & Company, for FC-6006007947, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, on behalf of the Department of Watershed Management, in an amount not to exceed \$122,280.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 5/1/07 at the request of the Department.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0872 (10) An Ordinance by Finance/Executive Committee **as substituted by City Utilities Committee** to reduce the scheduled increases for monthly Water and Sewer Rates for the City of Atlanta, Georgia, as authorized by Chapter 154, Article III, Division 3, Sections 154-111 and 154-112 (Water Rates and Charges) and Chapter 154, Article V, Division 3, Sections 154-276 and 154-277 (Sewer Rates and Charges); and for other purposes. **(Public Hearing held 5/23/07)**
(Councilmember Shook made a motion to approve on substitute

FAVORABLE ON SUBSTITUTE

07-O-0979 (11) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

07-O-0980 (12) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-0994 (13) A Resolution by Councilmember Carla Smith **as substituted by City Utilities Committee** authorizing the Mayor to execute a Consent Order with Georgia Environmental Protection Division ("EPD") in settlement of an Administrative Action concerning discharges in excess of permit limits; directing the Department of Finance to issues payment in the amount of \$37,798.00 to the State of Georgia Department of Natural Resources; to identify the source of funding; and for other purposes.
(Councilmember Mitchell made a motion to approve on substitute.

FAVORABLE ON SUBSTITUTE

J. ITEMS NOT ON AGENDA

RESOLUTIONS

- 07-R-1135 (1) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Brindley, Pieters & Associates, JV, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, to provide Design Services for the Vernon Avenue and Tell Road Unpaved Street Projects, on behalf of the Department of Public Works, in an amount not to exceed \$143,498.29; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.

(Councilmember Shook made motion to approve.)

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ITEMS NOT ON AGENDA (CONT'D)

07-R-1136 (2)
*** A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Jacobs/PRAD/PBS & J, Joint Venture for FC-7619-03D, Annual Contract for Architectural and Engineering Services, for Survey and Design Services of the Howell Mill Road and Norfleet Road/McKinley Road Intersection Improvement Project, on behalf of the Department of Public Works, in an amount not to exceed \$33,939.97; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac. other than Buildings) M65F055992BH (Intersection Improvements, District 8); and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

07-R-1137 (3)
*** A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Brindley, Pieters & Associates, JV, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, to provide Design Services for Cheshire Bridge Road Streetscapes Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$72,639.29; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac. other than Buildings) Y63F058692BH (Streetscape Projects, District 9); and for other purposes.
(Councilmember Shook made motion to approve.)

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ITEMS NOT ON AGENDA (CONT'D)

07-R-1138 (4) A Resolution by City Utilities Committee authorizing the
*** Mayor to issue a **Notice to Proceed** with Jacobs/PRAD/PBS & J, Joint Venture for FC-7619-03D, Annual Contract for Architectural and Engineering Services, for Survey and Design Services for Bohler Road and DeFoors Ferry Road Intersection Project, on behalf of the Department of Public Works, in an amount not to exceed \$28,209.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac. other than Buildings) M65F057792BH (2004 Intersection Improvements, District 9); and for other purposes.
(Councilmember Shook made motion to approve.)

FAVORABLE

APPRAISAL

(5) Appraisal of the **abandoned** portion of Harriett Avenue, NE, consists of two tracts with square footage indicated below.

<u>Tract</u>	<u>Square Ft.</u>	<u>Price Per Sq. Ft.</u>	<u>Fair Market Price</u>
North Parcel	3,501.54	\$22.00	\$15,400.00
South Parcel	3,501.54	\$22.00	<u>\$15,400.00</u>
Total			\$30,800.00

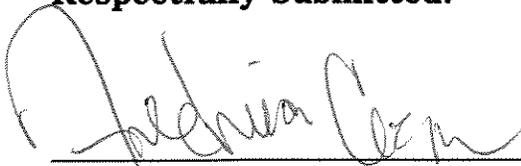
J. REQUESTED ITEMS

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.

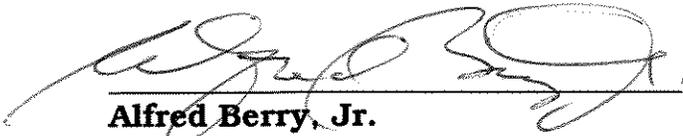
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There being no further business to come before the Committee, the meeting was adjourned at 11:45 a.m.

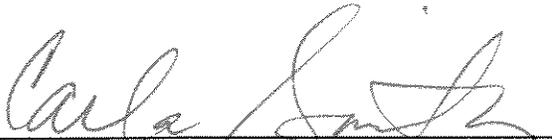
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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