

**CITY UTILITIES COMMITTEE**

**MINUTES**

**JULY 31, 2007**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 31, 2007 at 9:23 a.m.**, in Committee Room #2. The following members were present:

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

The following members were absent:

**The Honorable Carla Smith, Chair**  
**The Honorable Howard Shook**

Others present at the meeting were: Councilmembers Cleta Winslow and Mary Norwood; Renee Sheperd Law Department; Deputy Commissioners Shelia Pierce and George Barnes Department of Watershed Management; Madelyn Grant, Department of Public Works; Cathy Martin, Office of Procurement; Office of the Mayor, members of the public, press and Council Staff.

Vice-Chair Mitchell called the meeting to order at 9:21 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

**CONSENT**

- D. ORDINANCES FOR FIRST READING**

07-O-1467 ( 1) An Ordinance by City Utilities Committee to repeal Chapter 154, Article VI, Stormwater Management Utility, of the City of Atlanta Code of Ordinances; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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

- 07-O-1468 ( 2) An Ordinance by City Utilities Committee to **abandon** a portion of Montgomery Street, SE, between Woodbine Avenue and the dead-end of Montgomery Street; to abandon a portion of Woodbine Circle, SE between Montgomery Street to approximately 136.21 feet east of Montgomery Street; to abandon approximately 184.70 feet of unimproved right-of-way east of Montgomery Street, SE, consisting of approximately 0.38 acre and being more specifically described in the attached Exhibit "A"; to abandon a portion of Montgomery Street, SE between Woodbine Avenue and unimproved right-of-way, consisting of approximately 0.04 acre and being more specifically described in the attached "B"; to incorporate by reference both Exhibits "A" and "B" representing property lying and being in Land Lot 207 of the 15<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 8/28/07)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-1469 ( 3) An Ordinance by City Utilities Committee to **abandon** a portion of Grandview Avenue, NW, located between Burtz Street and Peyton Road, consisting of approximately .244 acre and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 8/28/07)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-1502 ( 4) An Ordinance by City Utilities Committee to authorize the **abandonment** of a portion of Cook Street, NW located between Main Street and the dead-end of Cook Street consisting of approximately 0.24683 acre and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 245 of the 17<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 8/28/07)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E. ORDINANCES FOR SECOND READING**

- 07-O-1520 ( 1)     An Ordinance by Councilmember Natalyn M. Archibong, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-07-27, (186 Walthall Street, SE) applicant deposit a dollar amount (\$7,560.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 5; and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

- 07-O-1521 ( 2)     An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

**HELD**

- 07-O-1523 ( 3)     An Ordinance by Councilmember Carla Smith authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-50, (805 Lynwood Street) applicant deposit a dollar amount (\$4,120.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE**

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

- 07-O-1530 ( 4) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor to enter into an Intergovernmental Agreement with the Atlanta Beltline, Inc., ("ABI") for the design and construction of the Clear Creek Combined Sewer Basin Relief Project ("Project") on behalf of the Department of Watershed Management; authorizing the Chief Financial Officer to amend the Fiscal Year 2008 Budget (Water and Wastewater Bond Fund) in the amount of \$\_\_\_\_.00 to transfer funds from the Reserve for Appropriations (2J28 791001 T11001) to Clear Creek Combined Sewer Basin Project (2J28 774001 Q38I01569999) to the Atlanta Beltline, Inc.; authorizing the Mayor to execute appropriate agreements with ABI to effectuate these purposes; authorizing the acceptance of the Project upon final completion of the Project; and for other purposes.  
**(Councilmember Young made a motion to hold.)**

**HELD**

**F. RESOLUTIONS**

- 07-R-1470 ( 1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with JaTech and Associates, Inc., for FC-3007000019, Martin Luther King, Jr. Retaining Wall Rehabilitation Project, on behalf of the Department of Public Works, in an amount not to exceed \$838,150.00. All contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

07-R-1471 ( 2) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Electrical Testing, Inc., for FC-6006007923, Annual Contract for Electrical Testing and Inspection Services, on behalf of the Department of Watershed Management in an amount not to exceed \$350,000.00; 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 (Drinking Water Facility Maintenance); and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

07-R-1472 ( 3) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with DPS Infrastructure Monitoring Systems, Inc., for FC-6005007979, Operation, Maintenance and Training Services for the Hemphill Steam Pumping Station, on behalf of the Department of Watershed Management in an amount not to exceed \$2,000,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q63401 (Drinking Water Pumping Stations); and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**RESOLUTIONS (CONT'D)**

- 07-R-1473 ( 4) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS&J Joint Venture ("JP2"), for FC-7619-03D, Annual Contract for Architectural and Engineering Services, Security Master Plan Implementation Physical & Technical Security Design, on behalf of the Department of Watershed Management in an amount not to exceed \$4,974,716.30; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 524001 (Consultant/Professional Services) Q12T07419999 (Water Security Surcharge); and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 07-R-1477 ( 5) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes.  
**(Councilmember Mitchell made a motion to hold.)**

**HELD**

- 07-R-1616 ( 6) A Resolution by Councilmember Clela Winslow **as amended by City Utilities Committee** authorizing the Department of Watershed Management to construct certain sidewalk and related improvements in the West End Area utilizing existing unit prices in the Agreement FC-3005007844 for Greensferry Basin Sewer Separation in the amount of \$280,744.78. All 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) M65F052892BH (Sidewalk Improvement, District 4); and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**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**

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**

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

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**

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**

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

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**

07-O-0979 (10) 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 14<sup>th</sup> 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 (11) 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 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

**HELD**

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

07-R-1214 (12) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

**HELD**

07-R-1236 (13) A Resolution by Councilmember Carla Smith **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 \$17,000.00 as stipulated penalties for the violation of Fecal Coliform Operational Standards at the Tanyard Creek CSO on April 26, 2007 and July 10, 2007 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 Young made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

07-O-1330 (14) An Ordinance by Councilmember Ivory L. Young, Jr. to **abandon** that portion of James P. Brawley Drive, SW, between Parsons Street and Beckwith, lying in Land Lot 14, Council District 14, Fulton County, Georgia, consisting of approximately 0.363 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(Held 6/26/07 for a Public Hearing)**

**HELD**

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

- 07-O-1335 (15) An Ordinance by Councilmember Clair Muller to amend Chapter 130 of the Solid Waste Management Code, Section 130-38, to clarify recycling requirements and City's enforcement powers regarding multi-family dwellings. **(Held 6/26/07 at the request of the author for further review.)**

**HELD**

**G. APPRAISAL**

- ( 1) Appraisal of **abandoned** portion of Bryan Street, SE which consist of 21,645 square feet and the Appraiser has estimated total fair market value at \$185,000.00 which is \$8.50 per square foot.  
**(Councilmember made a motion to accept the appraisal.)**

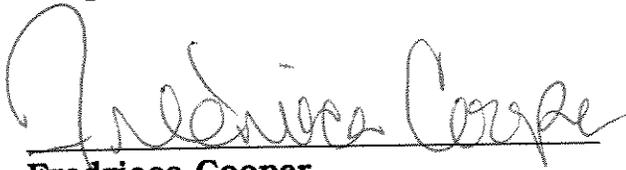
**H. REQUESTED ITEMS**

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.
3. Councilmember Mitchell made a request to the Department of Watershed to receive a map of the floodplain areas for all Council District.
4. Councilmember Muller requested that the Law Department and DPW review Ordinance #07-O-1335 so the committee can take action at its next meeting 8/28/07.

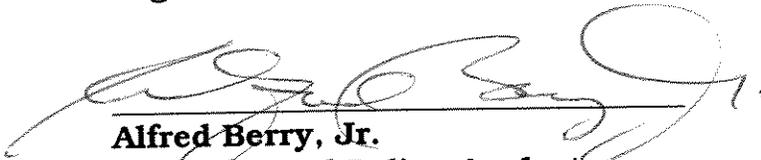
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**There being no further business to come before the Committee, the meeting was adjourned at 10:48 a.m.**

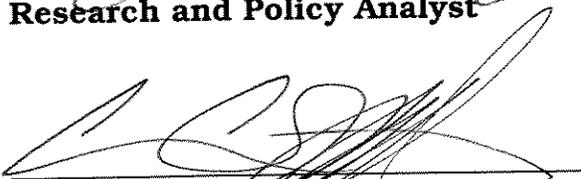
**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



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



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