

CITY UTILITIES COMMITTEE

MINUTES

AUGUST 28, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, August 28, 2007 at 9:31 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 Natalyn M. Archibong
The Honorable Ivory L. Young, Jr.

The following members were absent:

The Honorable Clair Muller
The Honorable Howard Shook

Others present at the meeting were: Council President Lisa Border and Councilmember C. T. Martin; Marc Goncher, Stefanie Grant and M. Theresa Stewart, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista and George Barnes Department of Watershed Management; Madelyn Grant, Nursef Kedir and James Swope Department of Public Works; Cathy Martin, Office of Procurement; Greg Pridgeon, Office of the Mayor, members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:31 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 ONE RESOLUTION AND ONE APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

07-O-1468 (1) 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

ORDINANCES FOR SECOND READING (CONT'D)

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 15th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 8/28/07)**
(Councilmember Smith made a motion to approve.)

FAVORABLE

07-O-1469 (2) A **Substitute** 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 17th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 8/28/07)**
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE (1 ABSTENTION)
MITCHELL

07-O-1502 (3) 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 17th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 8/28/07)**
(Councilmember Smith made a motion to approve.)

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E. COMMUNICATION

- 07-C-1651 (1) A Communication by Mayor Shirley Franklin appointing **Mr. Marcos Figueroa, III** to serve as a member of the People TV Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Mitchell made a motion approve.)

FAVORABLE -REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND 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.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 07-O-1787 (2) An Ordinance by Councilmember Kwanza Hall **as substituted by City Utilities Committee** authorizing the Commissioner of Public Works, on behalf the Mayor to, to waive paragraphs four (4) and five (5) of Section 138-60 of the Code of Ordinances of the City of Atlanta, for the issuance of a Banner Permit to the United Way of Metropolitan Atlanta; and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 07-O-1790 (3) An Ordinance by Councilmember Felicia A. Moore, 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-07-30, (2429 Claude Street, NW) applicant deposit a dollar amount (\$2,500.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 9; and for other purposes.
(Councilmember Smith made a motion to approve.)

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G. RESOLUTIONS

07-R-1664 (1) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Amendment Agreement No. 11 with Precision 2000, Inc., for FC-7573-03C, for Sidewalks, Driveways and Curbs, to include Intersection Improvement Projects, on behalf of the Department of Public Works, in an amount not to exceed \$60,005.44. All contracted work shall be charged to and paid from Various Funds, Accounts and Center Numbers; and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

07-R-1665 (2) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Amendment Agreement No. 3 with SD&C, Inc., for FC-3005007883B, for Sidewalks, Driveways and Curbs, to expand the Scope of Services for Sidewalk Construction for the Bohler Road, Overbrook Drive and Channing Drive Projects, on behalf of the Department of Public Works, in an amount not to exceed \$84,860.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 3P02 (Trust Fund) 574001 (Fac. other than Buildings) M22F05919999 (Howell Mill Rd-Chattahoochee); and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

07-R-1666 (3) A Resolution by City Utilities Committee authorizing the Mayor or her designee, on behalf of the Department of Public Works, to enter into an Intergovernmental Agreement with Georgia Department of Transportation, for the purpose of funding Intersection Loop Detector Installation at multiple locations within the City of Atlanta, in the amount of \$800,000.00; and for other purposes.

(Councilmember Mitchell made a motion to approve.)

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RESOLUTIONS (CONT'D)

07-R-1667 (4) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Player and Company, for FC-6004007826, Annual Contract for Major Mechanical Repairs, on behalf of the Bureau of Drinking Water, in an amount not to exceed \$700,000.00; all contracted work will be charged to and paid from Fund, Account and Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q64001 (Drinking Water Facility Maintenance); and for other purposes.
(Councilmember Mitchell made a motion to approve as amended.)

FAVORABLE AS AMENDED

07-R-1668 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Campbell Roofing and Construction, for FC-3006008002, Annual Contract for Roof Repairs and Replacement, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,225,477.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes
(Councilmember Mitchell made a motion to approve.)

FAVORABLE

07-R-1669 (6) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Player and Company, for FC-6004007825, Annual Contract for Major Electrical Repairs, on behalf of the Bureau of Drinking Water, in an amount not to exceed \$500,000.00; all contracted work will be charged to and paid from Fund, Account and Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q64001 (Drinking Water Facility Maintenance); and for other purposes.
(Councilmember Mitchell made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 07-R-1670 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Alberici Constructors/Willis Professional, for FC-3007000012, South River WRC Headworks Improvements, on behalf of the Department of Watershed Management, in an amount not to exceed \$4,840,000.00; 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) Q35I08149999 (South River Upgrade-Headworks); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 07-R-1671 (8) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement for FC-7705-04, Cooperative Purchasing Agreement for Technical Expertise & Research to optimize the City of Atlanta's Management Infrastructure, with the Georgia Tech Research Corporation through the Georgia Institute of Technology, pursuant to Section 2-1601, et seq., of the City of Atlanta Procurement and Real Estate Code, on behalf of the Department of Watershed Management; and for other purposes.
(Councilmember Young made a motion to hold for further review. Councilmember Young made a motion to reconsider and made a motion to approve.)

FAVORABLE

- 07-R-1701 (9) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice-of-Proceed** to Shaw Environmental, Inc./AIM, PLC, for FC-7619-03F, Citywide Annual Contract for Architectural and Engineering Services, Combined Sewer Overflow (CSO) Monitoring, Sampling and Reporting on behalf of the Department of Watershed Management, in an amount not to exceed \$311,980.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Sewer/Repair/Maintenance Contract) Q31001 (Watershed Security); and for other purposes.
(Councilmember Young made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 07-R-1702 (10) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice-to-Proceed** to Atlanta Services Group, for FC-7619-03B, Citywide Annual Contract for Architectural and Engineering Services, for Emergency Staffing and Transition Training at Watershed Biosolids Facilities on behalf of the Department of Watershed Management, in an amount not to exceed \$2,000,000.08; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q30002 (Biosolids Treatment and Collections); and for other purposes.
(Councilmember Mitchell made a motion to approve.)

FAVORABLE

- 07-R-1793 (11) 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 \$2,000.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the Custer Avenue CSO on June 28, 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 Smith made a motion to approve as substitute.)

FAVORABLE ON SUBSTITUTE

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H. ORDINANCE FOR FIRST READING

07-O-1663 (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 \$800,000.00, for grant funds from the Georgia Department of Transportation, for the purpose of funding construction services for Intersection Loop Detector Installation at multiple locations in the City of Atlanta; and for other purposes.

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

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

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- (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

- 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 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 (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 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

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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-O-1330 (13) 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

07-O-1335 (14) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** 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.) (Substituted and held 8/28/07, awaiting a review from the Condominium Association.)**

SUBSTITUTED AND HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

07-R-1477 (15) 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. **(Held 7/31/07 for further review)**

HELD

07-O-1521 (16) 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. **(Held 7/31/07 for a work session 9/13/07 at 9:00 a. m.)**

HELD

07-O-1530 (17) An Ordinance by Councilmember Kwanza Hall **as substituted by City Utilities Committee** 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 \$30,000,000.00 to transfer funds from the Reserve for Appropriations (2J28 7**** Q11X03019999) 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 approve on substitute.)

FAVORABLE ON SUBSTITUTE

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J. APPRAISALS

- (1) Appraisal of **abandoned** portion of John Wesley Dobbs Avenue, NE which consist of 11,914 square feet and the Appraiser has estimated total fair market value at \$515,000.00 which is \$43.25 per square foot.
(Councilmember Smith made a motion to accept the appraisal.)

- (2) Appraisal of **abandoned** portion of Mullins Street, SW which consist of 9,237 square feet and the Appraiser has estimated total fair market value at \$30,000.00 which is \$3.25 per square feet. **(Councilmember Smith made a motion to accept the appraisal.)**

K. 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 Mitchell made a request to do a joint presentation from the Department of Watershed, Atlanta Gas Light Company and Department of Public Works in 30 days on the process on how the work is done in the right-of-way from the start to finish.
5. Councilmember Archibong made a request to the Department of Watershed to do a report on conservation at the next meeting.
6. Councilmember Smith made a request to the Department of Public Works to provide a status report on recycling at the next meeting.

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L. ITEMS NOT ON AGENDA

RESOLUTION

- 07-R-1785 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 3 with Dreamsan, Inc., for FC-6004007836, Recycling Program, on behalf of the Department of Public Works to add additional funds for Fiscal Year 2008 in a not to exceed amount of \$2,457,680.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 524001 (Consultant Professional Services) M38301 (Recycling and Collection); and for other purposes. **(Councilmember Mitchell made a motion to approve on condition.)**

FAVORABLE ON CONDITION

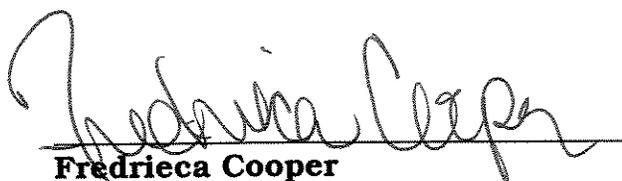
APPRAISAL

- (2) Appraisal of **abandoned** portion of Alexander Street, NW, which consist of 8,682 square feet and the Appraiser has estimated total fair market value at \$695,000.00 which is \$80.00 per square feet. **(Councilmember Smith made a motion to accept the appraisal.)**

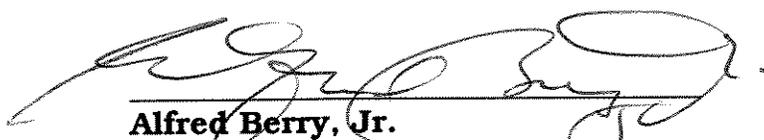
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There being no further business to come before the Committee, the meeting was adjourned at 11:29 a.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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