

CITY UTILITIES COMMITTEE

MINUTES

SEPTEMBER 11, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, September 11, 2007 at 9:35 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 Clair Muller
The Honorable Howard Shook
The Honorable Ivory L. Young, Jr.
The Honorable Natalyn M. Archibong

Others present at the meeting were: Stefanie Grant and M. Theresa Stewart, Law Department; Deputy Commissioners Shelia Pierce and Joseph Basista Department of Watershed Management; Nursef Kedir and Michelle Wynn; 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 9:35 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 THREE RESOLUTIONS AND TWO FIRST READS**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. REPORT ON WATER CONSERVATION - DEPARTMENT OF WATERSHED**
- E. ORDINANCES FOR SECOND 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.

(Councilmember Young made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-1898 (2) An Ordinance by Councilmember Jim Maddox 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 Southwest Atlanta Sidewalk Project and the Cascade Mays, Phase II Project; 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 City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.
(Councilmember Mitchell made a motion to approve.)

FAVORABLE

- 07-O-1907 (3) An Ordinance by Councilmember Cleta Winslow to **abandon** public streets known as Abbott Street and Baldwin Place, located in the City of Atlanta and to convey said abandoned streets at no to the Housing Authority of the City of Atlanta, Georgia; to waive the provisions of Section 2-1578 of the City Code provided, however, that Section 2-1578 (c)(3) requiring certain notifications and Section 138-9 insofar as it relates to the advertisement and public hearing requirement, shall not be waived; and for other purposes. **(To be advertised for a Public Hearing)**
(Councilmember Smith made a motion to hold.)

HELD

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F. RESOLUTIONS

- 07-R-1813 (1) A Resolution by City Utilities Committee to provide notice to the Lessee Intermart Broadcasting of Georgia and Sublessee J. W. Broadcasting, Inc., of the intent of the City of Atlanta to not renew the Land Lease Agreement dated October 7, 2004 for the lease of real property located at 2065 Liddell Drive in the City of Atlanta; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 07-R-1814 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into a sewer agreement with Beazer Homes Corporation to define the terms and conditions of the construction of certain sanitary sewer improvements to the Rockledge Road Outfall, including the relocation and realignment of certain sanitary sewer lines, known as the Rockledge Sanitary Sewer Relief Project ("Project"), on behalf of the Department of Watershed Management; to authorize the abandonment of certain sewer easements located on properties affected by the project and no longer needed for such public purposes, being located in Land Lots 49 and 50 of the 17th District of Fulton County, Georgia; and the acceptance of certain new sanitary sewer easements located in Land Lots 49 and 50 of the 17th District of Fulton County, Georgia pursuant to the Project; to authorize the Mayor to execute appropriate Quit Claim Deeds; to authorize the Mayor to execute any necessary documents and instruments; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 07-R-1815 (3) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into a Railroad Crossing Agreement with CSX Transportation, Inc. associated with the construction of a certain Sanitary Sewer Relocation Project known as the Rockledge Sanitary Sewer Relief Project ("Project"), located along Manchester, Bismark and Rockledge Roads, providing capacity relief to the Rockledge Sanitary Sewer Outfall at no cost to the City; and for other purposes.
(Councilmember Young made a motion to approve.)

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RESOLUTIONS (CONT'D)

07-R-1816 (4) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Shaw Environmental, Inc./AIM Partners, PLC, Joint Venture for FC-7619-03F, Citywide Annual Contract for Architectural and Engineering Services, Sanitary Sewer Evaluation Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$3,232,785.60; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02989999 (Sewer Group Two Rehabilitation); and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

07-R-1817 (5) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Brindley Pieters & Associates, Joint Venture for FC-7619-03A, Citywide Annual Contract for Architectural and Engineering Services, Sanitary Sewer Evaluation Survey and Sewer Rehabilitation Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$569,933.76; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02989999 (Sewer Group Two Rehabilitation); and for other purposes.
(Councilmember Smith made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 07-R-1818 (6) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, Sanitary Sewer Evaluation Survey Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,048,481.60; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 Consultant/Professional Services) Q38I02989999 (Sewer Group Two Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-R-1819 (7) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with CH2MHill/Williams, Russell and Johnson, JV for FC-7619-03C, Citywide Annual Contract for Architectural and Engineering Services, Sanitary Sewer Evaluation Survey and Sewer Rehabilitation Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,240,140.32; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 Consultant/Professional Services) Q38I02989999 (Sewer Group Two Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE (1 ABSTENTION) YOUNG

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RESOLUTIONS (CONT'D)

- 07-R-1820 (8) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group for FC-7619-03B, Citywide Annual Contract for Architectural and Engineering Services, Sanitary Sewer Evaluation Survey and Sewer Rehabilitation Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$236,306.40; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 Consultant/Professional Services) Q38I02989999 (Sewer Group Two Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-R-1902 (9) A Resolution by Councilmember Kwanza Hall authorizing the Mayor to accept and execute agreements to permit the installation of permanent underground vault within and under the public right-of-way of Seventeenth Street between Spring Street and West Peachtree Street and a foundation system that includes tie-back rods and a shoring system within and under the public rights-of-way of (1) Spring Street between Seventeenth Street and Sixteenth Street, (2) Sixteenth Street between West Peachtree Street and Spring Street, (3) West Peachtree Street between Sixteenth Street and Seventeenth Street, (4) Seventeenth Street between West Peachtree Street and Spring Street, said rights-of-way lying and being in Land Lot 108 of the 17th District of Fulton County, wherein the grantee reserves the right to limit and regulate the usage of the surface, sub surface and aerial spaces within the rights-of-way; to provide conditions for allowing same; and for other purposes.
(Councilmember Shook made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 07-R-1911 (10) 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. **(Held 6/12/07)**
(Councilmember Smith made a motion to hold.)

HELD

G. ORDINANCE FOR FIRST READING

- 07-O-1821 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Tazor Street, NW located between Neal Street and North Avenue, consisting of 0.6754 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 114 of the 14th District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 9/25/07)**

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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)**

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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)**
- 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)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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)**
- 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)**
- 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)**

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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.)**
- 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)**
- 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.)**
- 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

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.)**

I. 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.

J. ITEMS NOT ON AGENDA

RESOLUTIONS

07-R-1925 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Amendment Agreement No. 1 with Precision 2000, Inc., for FC-3006008001, Construction Services for Unpaved Streets, on behalf of the Department of Public Works in an amount not to exceed \$355,000.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Councilmember Smith made a motion to approve.)**

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ITEMS NOT ON AGENDA (CONT'D)

- 07-R-1926 (2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice-to-Proceed** with CH2MHill//WRJ-JV, for FC-7619-03C, Project Management and Regulatory Compliance Support for the Appraisal and Acquisition of eight (8) properties adjoining the Gun Club Road Landfill, in order to monitor methane gas levels along the southeastern area of the Gun Club Landfill, on behalf of the Department of Public Works, in an amount not to exceed \$114,536.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1A01 524001 M38201; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE (1 ABSTENTION) YOUNG

- 07-R-1927 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Amendment Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road, in an amount not to exceed \$1,212,500.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1B04 529002 YI2L5302AGBO; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

ORDINANCES FOR FIRST READING

- 07-O-1928 (1) An Ordinance by City Utilities Committee to **abandon** portions of Lakeside Drive between Kingsboro Road and East Paces Ferry Road and a portion of Oak Valley Road between Kingsboro Road and Wright Avenue; to accept land for the purpose of future public road purposes; to provide for the installation of traffic signals; and for other purposes.
(Advertised for a Public Hearing 9/25/07)

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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ITEMS NOT ON AGENDA (CONT'D)

- 07-O-1929 (2) An Ordinance by City Utilities Committee authorizing the City Attorney to institute necessary legal action through Condemnation by Declaration of Taking Method, pursuant to O.C.G.A. §22-3-140 and §32-3-4 to obtain necessary property interests in the real property described and identified herein below, said property being located in Land Lot 21 of the 14th District of Fulton County, Georgia, in the City of Atlanta, and necessary for public use in connection with acquiring access to a sewer easement in the Stockade Sewer Basin for the City of Atlanta; to authorize the City Attorney to use the services of outside counsel, where necessary, for said acquisition; to authorize the acquisition of title reports, surveys, appraisals and other items necessary for said acquisition; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

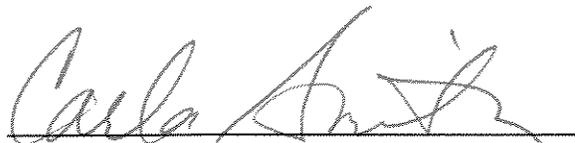
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There being no further business to come before the Committee, the meeting was adjourned at 11:00 a.m.

Respectfully Submitted:


Fredrica Cooper
Legislative Assistant


Alfred Berry, Jr.
Research and Policy Analyst


The Honorable Carla Smith, Chair
City Utilities Committee