

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**NOVEMBER 13, 2007**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 13, 2007 at 9:28 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 Ivory L. Young, Jr.**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**  
**The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmember Kwanza Hall; Stefanie Grant, Theresa Stewart and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista and Sally Mills, Department of Watershed Management; Commissioner David E. Scott, Nursef Kedir and Michelle Wynn; Department of Public Works; Cathy Martin and David Chapman, 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 9:28 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**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. PUBLIC HEARING - ORDINANCE FOR SECOND READING**

07-O-2169 ( 1) An Ordinance by City Utilities Committee to **abandon** a portion of Fraser Street, SE located between Fulton Street and Solomon Street consisting of 0.177 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 53 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 11/13/07 at 9:00 a.m.)**  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

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**E. COMMUNICATIONS**

- 07-C-2318 ( 1) A Communication by Councilmember C. T. Martin appointing **Ms. Kellye R. Whitaker** to serve as a member of the Keep Atlanta Beautiful Commission. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

- 07-C-2319 ( 2) A Communication by Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10 and H. Lamar Willis, Post 3-At Large appointing **Mr. James Lee Padgett** to serve as a member of the People TV Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**F. ORDINANCES FOR SECOND READING**

- 07-O-2230 ( 1) An **Amended** Ordinance by City Utilities Committee authorizing the abandonment of certain sewer easements on certain property owned by Glenwood Park, LLC and located in Land Lot 12 of the 14<sup>th</sup> District of Fulton County; acknowledging and authorizing the acceptance of new sewer easements for the new storm and sanitary sewer system constructed by Glenwood Park, LLC upon final acceptance of the dedicated infrastructure; authorizing the ratification of the Encroachment Agreement allowing Georgia Power Facilities to be located within the designated easement area as described in this ordinance; authorizing the Mayor or her designee to execute any necessary documents and instruments; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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

07-O-2419 ( 2) An Ordinance by Councilmember Kwanza Hall **as amended City Utilities Committee** to amend Ordinance No. 07-O-0982, as corrected, waiving certain provisions of the Code of Ordinances and authorizing for due consideration the abandonment of portion of John Wesley Dobbs Avenue, NE located between Jackson Street and the Dead End of John Wesley Dobbs Avenue, consisting of 11,881 square feet, more or less, specifically described in Exhibit "A" lying and being in Land Lot 46 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes.  
**(Councilmember Mitchell made a motion to approve as amended.)**

**FAVORABLE AS AMENDED (2 YEA'S) MITCHELL, SMITH**  
**(3 ABSTENTIONS) ARCHIBONG, SHOOK, MULLER**

07-O-2420 ( 3) An Ordinance by Councilmember Clela Winslow to **abandon** public streets known as Baldwin Street, located in the City of Atlanta and to convey said abandoned streets at no cost 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. **(Advertised for a Public Hearing 11/27/07 at 9:00 a.m.)**  
**(Councilmember Smith made a motion to hold.)**

**HELD**

07-O-2427 ( 4) 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-07-42, (2525 Forrest Avenue, NW) applicant deposit a dollar amount (\$4,102.25) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 9; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

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**G. RESOLUTIONS**

- 07-R-2324 ( 1) A Resolution by City Utilities Committee authorizing the Mayor, on behalf of the Department of Public Works ("Department"), to enter into Amendment Agreement No. 3 with HDR Engineering, Inc., for FC-6004007844, Annual Surveying and Mapping Services, for the purpose of additional funding for right-of-way exhibits for the acquisition of twenty-six (26) parcels for the Memorial Drive Sidewalk Project in an amount not to exceed \$20,800.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 3P02 (Trust Fund) 574001 (Fac. other than Buildings) M22F03349999 (City Sidewalk Program); and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

- 07-R-2325 ( 2) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor, on behalf of the Department of Public Works ("Department"), to enter into Amendment Agreement No. 2 with HDR Engineering, Inc., for FC-6005007887-D, for Professional Design Services to add additional funding to provide Right-of-Way Acquisition Services and Construction Administration Services for additional projects, on behalf of the Department of Public Works in an amount not to exceed \$67,760.00. All contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.  
**(Councilmember Archibong made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

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**RESOLUTIONS (CONT'D)**

- 07-R-2326 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 3 with Clark Truck Repair for FC-6005007949, Annual Contract for Fleet Maintenance, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,000,000.00; 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 (Plant Maintenance); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 07-R-2327 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** CH2M Hill/WRJ-JV for FC-7619-03C, Annual Contract for Architectural and Engineering Services for the purpose of providing Consulting Services for the completion and implementation of a Facilities Master Plan on behalf of the Department of Public Works Solid Waste Services, Report Writing and other Professional Consultation and Engineering Services in an amount not to exceed \$592,581,00; 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).  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE (1 ABSTENTIONS) YOUNG**

**RESOLUTIONS (CONT'D)**

07-R-2402 ( 5) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Shaw Environmental, Inc./AIM Partner, PLC, Joint Venture ("Shaw/AIM"), for FC-7619-03F, Annual Contract for Architectural and Engineering Services, to provide Right-of-Way Acquisition Services for nineteen (19) parcels for the Jesse Hill Drive (Butler Street Bridge) Bridge Replacement Project and the Mitchell Street Bridge Project on behalf of the Department of Public Works in an amount not to exceed \$59,392.00. All contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

07-R-2433 ( 6) A Resolution by Councilmembers Anne Fauver and Clair Muller to request the cooperation of all restaurants that use water supplied by the City of Atlanta to refrain from serving (Tap) Drinking Water to customers, unless specifically requested by the customer; to encourage restaurants to provide water conservation information to customers in their establishments; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

07-R-2437 ( 7) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 2 for the Intergovernmental Agreement with U. S. Geological Survey, United States Department of Interior, for FC-6004007858, to extend the term of the agreement for the 2008 Calendar Year and to provide additional funding in amount not to exceed \$1,249,064.00 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 & Wastewater Revenue Fund) 523001 (Service Repair/Maintenance) Q83001 (Industrial Inspection & Monitoring); and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**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)**

**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**

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**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-1477 (13) 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 (14) 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) (Work session was held 9/13/07) (Next Work session 10/12/07 at 9:30)**

**HELD**

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

- 07-R-1911 (15) 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 \$5,000.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the Tanyard Creek CSO on October 22, 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 Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 07-R-1944 (16) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 3 for the agreement with Southeast Energy Assistance for FC-6005007948, Care and Conserve Program, on behalf of the Department of Watershed Management to provide for the continued administration of the program in an amount not to exceed \$977,561.60 to charge to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 9/25/07 for further review)**

**HELD**

- 07-O-1953 (17) An Ordinance by City Utilities Committee to amend Chapter 138, Section 138-20 and Appendix B of the Code of Ordinances to authorize the imposition of certain fees for encroachments in the right-of-way; to modify certain provisions; and for other purposes. **(Held 10/9/07 for further review) (Advertised for a Public Hearing 11/27/07 at 9:00 a.m.)**

**HELD**

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

07-O-2023 (18) 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-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes. **(Held 9/25/07 for further review)**

**HELD**

07-R-2147 (19) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs on the City's right-of-way; and for other purposes. **(Held 10/9/07 for further review)**

**HELD**

07-C-2178 (20) A Communication by Mayor Shirley Franklin re-appointing **Ms. Corliss Claire** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Councilmember Shook made a motion to forward with no recommendation.)**

**FORWARD WITH NO RECOMMENDATION - REFERRED TO COMMITTEE ON COUNCIL**

07-C-2179 (21) A Communication by Mayor Shirley Franklin re-appointing **Ms. Kathleen Jackson Bertrand** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Held 10/30/07 for Ms. Bertrand to appear before the committee.)**

**HELD**

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

07-C-2202 (22) A Communication by Councilmember Kwanza Hall appointing **Ms. Catherine A. Chase** to serve as a member of the Keep Atlanta Beautiful 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. **(Held 10/30/07 for Ms. Chase to appear before the committee.)**

**HELD**

**I. ITEMS NOT ON AGENDA**

**RESOLUTION**

07-R-2439 ( 1) A Resolution by City Utilities Committee Resolution 07-R-1669 by deleting language in the Whereas Clause; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

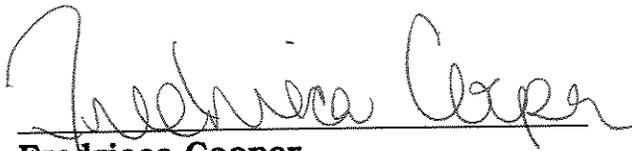
**J. REQUESTED ITEMS**

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.
3. Councilmember Smith requested a status report on recycling from the Department of Public Works
4. Councilmember Muller requested a status report on all the bridges in the City from the Department of Public Works.
5. Councilmember Shook requested a status report on the quality of water at the 1<sup>st</sup> committee meeting in January.

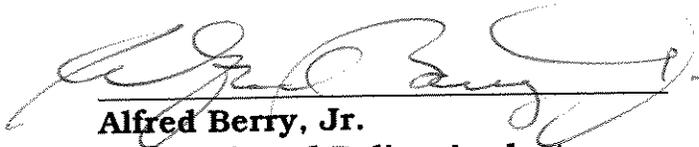
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**There being no further business to come before the Committee, the meeting was adjourned at 11:02 a.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



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



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