

CITY UTILITIES COMMITTEE

MINUTES

NOVEMBER 27, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 27, 2007 at 9:19 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 following member was absent:

The Honorable Natalyn M. Archibong

Others present at the meeting were: Stefanie Grant, Theresa Stewart and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista and George Barnes, Department of Watershed Management; James Swope and Nursef Kedir; 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 9:19 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

07-O-1953 (1) 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. **(Public Hearing held 11/27/07 at 9:00 a.m.)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

PUBLIC HEARINGS (CONT'D)

- 07-O-2420 (2) An Ordinance by Councilmember Cleta Winslow to **abandon** a public street 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 Shook made a motion to approve.)

FAVORABLE

E. ORDINANCES FOR SECOND READING

- 07-O-2503 (1) An Ordinance by Councilmember Natalyn M. Archibong to amend Section 138-8(c)(2) of the Code of Ordinances of the City of Atlanta by correcting time frame a person has to be deceased before a street or dedication can be named after a person; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

- 07-O-2505 (2) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes.
(Councilmember Muller made a motion to amend and hold.)

AMENDED AND HELD

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-2516 (3) An Ordinance by Councilmembers C. T. Martin, Mary Norwood, H. Lamar Willis, Kwanza Hall, Cleta, Winslow, Joyce Sheperd, Jim Maddox, Clair Muller, Howard Shook, Carla Smith and Anne Fauver to re-name Simpson Road, from H. E. Holmes Drive east to Northside Drive, to Joseph E. Boone Boulevard; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes.
(Advertised for a Public Hearing 12/11/07 at 9:00 a. m.)
(Councilmember Muller made a motion to hold.)

HELD

- 07-O-2522 (4) An Ordinance by Councilmember Carla Smith to authorize the Chief Financial Officer to create a new Fund, Account and Center Number to disburse funds for the Toilet Rebate Program; to amend the FY2008 (Water & Wastewater Renewal and Extension Fund) Budget of the Department of Watershed Management by transferring between accounts the sum of \$1,000,000.00 for the purpose of funding the Toilet Retrofit Rebate Program for the Department of Watershed Management Drinking Water Customers who retrofit their toilet facilities to low-flow toilets; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-O-2523 (5) An Ordinance by Councilmember Carla Smith to set a separate Water Rate pursuant to Atlanta City Code Chapter 154, Article III, Division 3 (Rates, Charges and Related Matters), Sections 111 (Authority to fix Water Rates) and 112 (established), for customers with meters or devices that have been granted exemptions from the sewer service charge

ORDINANCES FOR SECOND READING (CONT'D)

pursuant to Atlanta City Code Chapter 154, Article V, Division 3 (Rates and Charges), Section 277, (Sewer Service Charge), subsection (e), to encourage conservation of water resources; to waive Atlanta City Code Chapter 2, Article II, Division 2 Subdivision II, Section 105 (establishment or change in fees for service, notice to the public); and for other purposes. **(Advertised for a Public Hearing 12/11/07 at 9:00 a. m.)**
(Councilmember Muller made a motion to hold.)

HELD

F. RESOLUTIONS

07-R-2450 (1) A Resolution by City Utilities Committee authorizing the Mayor or her designee to issue a **Notice to Proceed** to Arcadis/Brindley, Pieters & Associates, JV, for FC-7619-03A, City-Wide Annual Contract for Architectural and Engineering Services, for Water Sewer Utility Location Services on behalf of the Department of Watershed Management, in an amount not to exceed \$1,906,744.00; all work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q65101 (Drinking Water Engineering Service); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

07-R-2451 (2) A Resolution by City Utilities Committee authorizing the Mayor or her designee to issue a **Notice to Proceed** to Shaw Environmental, Inc./AIM Partners, PLC, Joint Venture, for FC-7619-03F, Annual Contract for Architectural and Engineering Services, New Operations Management Facility, Preliminary Design Services on behalf of the Department of Watershed Management, in an amount not to exceed \$1,749,729.87; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q11A051294DA (DWM-Operations Building Construction); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 07-R-2504 (3) 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 \$132,500.00 as stipulated penalties for the violation of unpermitted discharge standards pursuant to the CSO Consent Decree, Civil Action File No. 1:98-CV-1956-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-2517 (4) A Resolution by Councilmember Howard Shook authorizing the Mayor to accept and execute an agreement to permit the construction of temporary retaining walls employing a prestressed tie-back system located within and under the public rights-of-way of Garson Drive adjoining the property at 515 Garson Drive Land Lot 58 of the 17th District of Fulton County, wherein the grantee reserves the rights 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.)

FAVORABLE

G. 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

RESOLUTIONS (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.
(Councilmember Muller made a motion to file.)

FILE

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-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

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

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PAPERS HELD IN COMMITTEE (CONT'D)

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

07-R-1944 (15) 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

PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2023 (16) 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 (17) 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-2179 (18) 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

07-C-2202 (19) 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. **(Councilmember Muller made a motion to approve.)**

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

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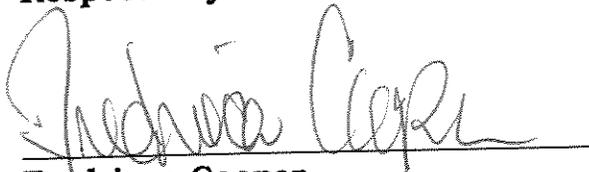
H. REQUESTED ITEMS

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 requested a status report on all the bridges in the City from the Department of Public Works.
3. Councilmember Shook requested a status report on the quality of water at the 1st committee meeting in January.
4. Councilmember Shook would like the following questions answered when the Committee discuss Ordinance #07-O-2523:
 - a. Will this have an effect on revenue.
 - b. How much water will be projected to save.

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There being no further business to come before the Committee, the meeting was adjourned at 10:12 a.m.

Respectfully Submitted:


**Fredrieca Cooper
Legislative Assistant**


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


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