

## CITY UTILITIES COMMITTEE

### MINUTES

DECEMBER 11, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, December 11, 2007 at 9:25 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 Honorable Clair Muller**  
**The Honorable Howard Shook**

Others present at the meeting were: Councilmember C. T. Martin; Stefanie Grant, Theresa Stewart, Marc Goncher and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista and Melinda Langston, Department of Watershed Management; Valerie Bell-Smith and Nursef Kedir; Department of Public Works; Cathy Martin, Office of Procurement; Robert Shelor, Office of the Mayor; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:25 a.m. after declaring a quorum present. She then proceeded with the following order of business.

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

07-O-2516 ( 1) 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 **as substituted by City Utilities Committee** to re-name Simpson Road, from H. E. Holmes Drive east to Joseph E. Lowery Boulevard and Simpson Street for Joseph E. Lowery Boulevard 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. **(Public Hearing held 12/11/07)**  
**(Councilmember Young made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

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

- 07-O-2523 ( 2) An Ordinance by Councilmember Carla Smith **as amended by City Utilities Committee** 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 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;; and for other purposes. **(Public Hearing held 12/11/07)**  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**E. ORDINANCES FOR SECOND READING**

- 07-O-2595 ( 1) An Ordinance by Councilmembers Carla Smith and Kwanza Hall authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60(a) of the City of Atlanta Code of Ordinances, to allow the Commissioner of the Department of Public Works to issue permits for the placement of banners containing limited advertising in the public rights-of-way; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 07-O-2600 ( 2) An Ordinance by Councilmember Mary Norwood to re-name Hills Ave., NW, from Defoor Hills Rd., NW to Chattahoochee Ave., NW, to Collier Rd., NW; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(To be advertised for a Public Hearing)**  
**(Councilmember Smith made a motion to hold for a public hearing.)**

**HELD**

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

07-O-2604 ( 3) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes.  
**(Councilmember Muller made a motion to hold for further review.)**

**HELD**

07-O-2605 ( 4) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes.  
**(Councilmember Muller made a motion to hold for further review.)**

**HELD**

**F. RESOLUTIONS**

07-R-2550 ( 1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with HDR Engineering, Inc., for FC-6004007844, Citywide Annual Surveying and Mapping Services, on behalf of the Department of Watershed of Management in an amount not to exceed \$550,000.00; 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) Q38001 (Wastewater Collection); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

07-R-2551 ( 2) An **Amended** Resolution by City Utilities Committee authorizing the Chief Financial Officer to pay the invoices of BellSouth, Inc., for costs associated with telephones and hardware needed for the new call center relocation on behalf of the Department of Watershed Management, Bureau of Drinking Water, Customer Information System One Call Center, in an amount not to exceed \$129,972.38 to be paid from Various Fund, Account and Center Numbers; and for other purposes.

**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

07-R-2597 ( 3) 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. **(Dummy paper.)**

**(Councilmember Smith made a motion to hold.)**

**HELD**

**G. ORDINANCE FOR FIRST READING**

07-O-2549 ( 1) An Ordinance by City Utilities Committee authorizing the City of Atlanta to anticipate funds for the Care and Conserve Program, on behalf of the Department of Watershed Management, in the amount of \$340,468.00; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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

**FILE**

- 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-1573 ( 4) 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**

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

06-O-1947 ( 5) 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 ( 6) 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**

( 7) 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 ( 8) 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**

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

07-O-0979 ( 9) 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 (10) 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**

07-R-1214 (11) 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 (12) 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 (13) 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 (14) 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 (15) 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 (16) 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 (17) 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. **(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

07-O-2505 (18) 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. **(Amended and held 11/27/07 for further review.)**

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**I. ITEMS NOT ON AGENDA**

**APPRAISAL**

( 7) Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of six tracts at \$65.00 per square foot. The estimated market values of the six subject tracts are as follow:

**Right of Way to be abandoned**

<b><u>Current Fee Owner</u></b>	<b><u>Tract Name</u></b>	<b><u>Area(SF)</u></b>	<b><u>Estimated Value</u></b>
City of Atlanta	Abandon ROW 1	12,192.8	\$792,792.00
City of Atlanta	Abandon ROW 2	2,613.6	\$169,884.00
City of Atlanta	Abandon ROW 3	<u>3,049.2</u>	<u>\$198,198.00</u>
<b>Totals</b>		<b>17,859.6</b>	<b>\$1,160,874.00</b>

**Right of Way to be Dedicated**

<b><u>Current Fee Owner</u></b>	<b><u>Tract Name</u></b>	<b><u>Area(SF)</u></b>	<b><u>Estimated Value</u></b>
TRG Georgia Cityplace, LLC	Dedicated ROW 1	13,192.8	\$ 906,048.00
TRG Georgia Cityplace, LLC	Dedicated ROW 2	39,639.6	2,567,574.00
TRG Georgia Cityplace, LLC	Dedicated ROW 3	<u>871.2</u>	<u>56,628.00</u>
<b>Totals</b>		<b>54,450.0</b>	<b>\$3,539,250.00</b>

**(Councilmember Shook made a motion to accept.)**

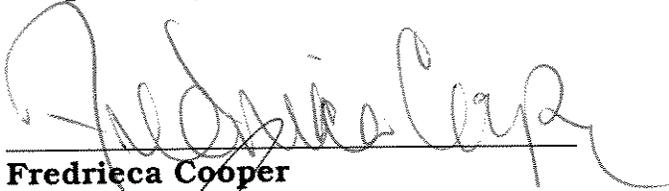
**J. REQUESTED ITEMS**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2. Councilmember Shook requested a status report on the quality of water at the 1<sup>st</sup> committee meeting in January.

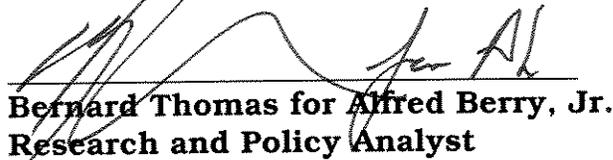
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**There being no further business to come before the Committee, the meeting was adjourned at 11:11 a.m.**

**Respectfully Submitted:**



**Fredrieca Cooper  
Legislative Assistant**



**Bernard Thomas for Alfred Berry, Jr.  
Research and Policy Analyst**



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