

CITY UTILITIES COMMITTEE

MINUTES

JANUARY 15, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, January 15, 2008 at 11:23 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: Councilmembers C. T. Martin and Felicia A. Moore; Theresa Stewart, Marc Goncher and Renee Sheperd, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce, Joseph Basista and Sally Mill Department of Watershed Management; Valerie Bell-Smith, Department of Public Works; Greg Pridgeon, Office of the Mayor; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 11:23 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. ELECTION OF VICE-CHAIR - Councilmember Young made a motion to elect Councilmember Ceasar C. Mitchell as Vice-Chair. The vote was unanimous.**
- D. STATUS REPORT ON THE QUALITY OF WATER - DEPARTMENT OF WATERSHED MANAGEMENT**
- E. AN AUDIT REPORT - LESLIE WARD, CITY AUDITOR**

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

FAVORABLE

G. RESOLUTION

- 08-R-0008 (1) A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14th (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes.
(Councilmember Smith made a motion to hold.)

HELD

H. ORDINANCE FOR FIRST READING

- 08-O-0007 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Solomon Street, SE located between Fraser Street and Martin Street consisting of 0.458 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 1/29/08.)**

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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I. PAPERS HELD IN COMMITTEE

06-R-0563 (1) 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 (2) 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 (3) 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 (4) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

07-R-0002 (5) 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

(6) 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.
(Councilmember Shook made a motion to approve.)

FILE

07-R-0750 (7) 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 (8) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0980 (9) 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 (10) 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 (11) 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

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1521 (12) 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 (13) A **Substitute** 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 \$778,693.05 to charge to and paid from Fund, Account and Center Number: 3P02 (Trust Fund) 529002 (Service Grant) Q11W02CBQNA0 (Care & Conserve Fund); and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 07-O-2023 (14) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

07-R-2147 (15) 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-O-2505 (16) 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.)**

HELD

07-R-2597 (17) 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.) (Held 12/11/07)**

HELD

07-O-2600 (18) 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. **(Held 12/11/07) (Advertised for a Public Hearing 1/29/08)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2604 (19) 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. **(Held 12/11/07 for further review.)**

HELD

07-O-2605 (20) 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. **(Held 12/11/07 for further review.)**

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 Mitchell request the Department of Watershed Management present a report or update on recommendations on the audit's report by the dates printed on the responses sheet.

K. ITEM NOT ON THE AGENDA

RESOLUTION

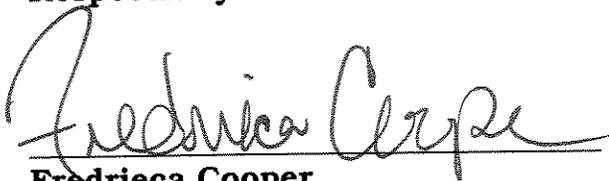
08-R-0105 (1)
*** A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with ADS Environmental Services for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewer Projects, on behalf for the Department of Watershed Management; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

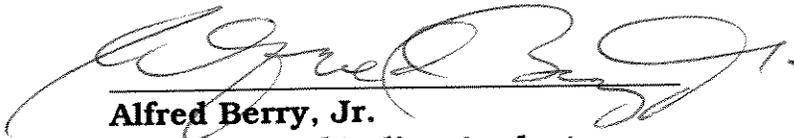
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There being no further business to come before the Committee, the meeting was adjourned at 11:35 a.m.

Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Carla Smith, Chair
City Utilities Committee