

CITY UTILITIES COMMITTEE

MINUTES

MARCH 11, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 11, 2008 at 9:12 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 Mary Norwood; Theresa Stewart, Renee Sheperd and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce, Melinda Langston and George Barnes, Department of Watershed Management; Madelyn Grant, Department of Public Works; Cathy Martin, Office of Procurement; Office of the Mayor; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:12 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

CONSENT

- D. ORDINANCES FOR FIRST READING**

08-O-0479 (1) An Ordinance by City Utilities Committee authorizing the Mayor or designee to enter into appropriate Railroad Crossing Agreements and CSX Transportation, Inc. and Norfolk Southern Railway Company associated with Sandy Creek Basin Projects, Proctor Creek Basin Projects, South River Basin Projects, Sugar Creek Basin Projects, Long Island Basin Projects, Nancy Creek Basin Projects, Peachtree Creek Basin Projects, Utoy Creek Basin Projects and

ORDINANCES FOR FIRST READING (CONT'D)

Intrenchment Creek Basin Projects on behalf of the Department of Watershed Management; all costs associated with said agreements will be charged to and paid from the appropriate Accounts and Centers for Funds 5052 (Water & Wastewater Renewal & Extension), 5057 (2001 Water & Wastewater Bond Fund), 5058 (2004 Water & Wastewater Bond Fund) Future Water and Sewer Bond Funds; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 08-O-0480 (2) An Ordinance by City Utilities Committee authorizing the Mayor or designee to execute all appropriate documents for the acquisition of certain permanent easements, temporary construction easements, rights-of-way or other necessary property interests associated with Sandy Creek Basin Projects, Proctor Creek Basin Projects, South River Basin Projects, Sugar Creek Basin Projects, Long Island Basin Projects, Nancy Creek Basin Project, Peachtree Creek Basin Project, Utoy Creek Basin Projects and Intrenchment Creek Basin Projects; to negotiate with property owners to acquire necessary permanent easements, temporary construction easements, rights-of-way or other necessary property interests, including condemnation proceedings; authorizing the waiver of applicable portions of Article X of the City's Real Estate and Procurement Code; authorizing the City Attorney to proceed with the Declaration of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to rights-of-way, easements and other related property interests necessary to complete the Capacity Relief Sewer Projects, on behalf of the Department of Watershed Management; all contracted work and payments for property interests will be charged to and paid from the appropriate Account Numbers associated with Funds 5052 (Water & Wastewater Renewal & Extension), 5057 (2001 Water & Wastewater Bond Fund), 5058 (2004 Water & Wastewater Bond Fund), And Future Water and Sewer Bond Funds; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-0481 (3) An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND READING

- 08-O-0410 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2008 Budget (Water and Wastewater Renewal and Extension Fund – Commercial Paper, Series I) in the amount of \$96,030,000.00 to transfer funds remaining from completed, realigned, postponed or discontinued projects and to add to Appropriation Funds for the Program Management Services (\$26,000,000.00), and Sewer Group 2 – Rehabilitation (\$70,030,000.00) Projects; and for other purposes.

(Councilmember Shook made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-0426 (2) An Ordinance by City Utilities Committee to create Chapter 154, Section 121 (Drought Surcharge Established) and Chapter 154, Section 279 (Drought Surcharge Established) in the Code of Ordinances, City of Atlanta, to establish new Drought Surcharges for the City of Atlanta's Water and Wastewater Systems; and for other purposes. **(Advertised for a Public Hearing 3/19/08 at 6:30 p.m. in the Council Chambers)**
(Councilmember Smith made a motion to hold.)

HELD

- 08-O-0504 (3) An Ordinance by Councilmembers Carla Smith, Natalyn Archibong and Anne Fauver amending the 2008 (Water and Sewer Renewal and Extension Fund) Budget by adding to anticipations and appropriations in an amount of \$68,000.00 for a "Pass Through" Grant Award from the Georgia Environmental Protection Division for the construction of a Greengrid Roof System at the Woodruff Arts Center; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 08-R-0482 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Southeast Pipe Survey, Inc./Lori's Transportation & Excavation, LLC, JV for FC-3007000051, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract A, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,980,222.30; all contracted work shall be charged to and paid from Fund Department and Account Number 5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Bldgs./Infrastructure - CIP) PTAE0 Funding Source 17102445/101/505821445/5414002 Fac. not Buildings-CIP/City of Atlanta; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

08-R-0483 (2) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Insituform Technologies, Inc./Imani Environmental Group, Inc., Joint Venture, for FC-3007000052, Contract for Sewer Group Two Rehabilitation Phase I-Cured-In-Place Pipe, Contract A, on behalf of the Department of Watershed Management, in an amount not to exceed \$4,576,799.30; all contracted work shall be charged to and paid from Fund Department and Account Number 5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Bldgs./Infrastructure – CIP) PT AEO Funding Source 17102445/101/505821445/5414002 Fac. not Buildings-CIP/City of Atlanta; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

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

08-R-0484 (3) 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 the Westin Buckhead Atlanta, located at 3319 Peachtree Road, NE Atlanta, Georgia, for the installation of two (2) 1,500 gallon grease traps, to service the existing kitchen facilities in the right-of-way of in Around Lenox Drive, NE (also known as Wooddale Drive); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

08-R-0485 (4) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute a Local Assistance ("Agreement") with Georgia Department of Transportation ("GDOT") to provide for resurfacing of City streets; and for other purposes.
(Councilmember Muller made a motion to approve as amended on condition.)

FAVORABLE AS AMENDED ON CONDITION

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G. PAPER 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.
(Councilmember Smith made a motion to file.)

FILE

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) A **Substitute** Ordinance by City Utilities Committee **as amended** to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to establish a new process to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels or similar structures across streets or public alleys as well as balconies over sidewalks of the City of Atlanta, to remove certain provisions; and for other purposes.
(Councilmember Smith made a motion to approve on substitute as amended)

FAVORABLE ON SUBSTITUTE AS AMENDED (1 NAY)
YOUNG

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PAPER 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

07-R-1214 (6) 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 (7) 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

PAPER HELD IN COMMITTEE (CONT'D)

07-O-1521 (8) 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 sessions held 9/13/07 & 10/12/07)**

HELD

07-O-2023 (9) 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 (10) 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 (11) 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

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PAPER HELD IN COMMITTEE (CONT'D)

07-O-2604 (12) 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 (13) 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.)**

HELD

08-R-0008 (14) 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. **(Held 1/15/08 for further review.)**

HELD

08-R-0296 (15) 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 2/12/08.)**

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H. APPRAISAL

- (1) Appraisal of the abandoned portion of Bolton Drive/Bolton Place, NW consisting of 1.47 acres, the appraiser's estimate of fair market value is \$224,000.00, or just under \$152,400.00 per acre.
(Councilmember Shook made a motion to accept the appraisal.)

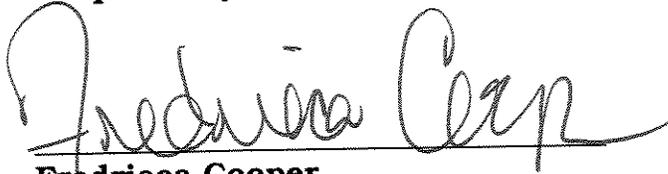
I. REQUESTED ITEM

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

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There being no further business to come before the Committee, the meeting was adjourned at 11:07 a.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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