

CITY UTILITIES COMMITTEE

MINUTES

APRIL 1, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, April 1, 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 Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook

The following member was not present:

The Honorable Natalyn M. Archibong

Others present at the meeting were: Councilmember Anne Fauver; Theresa Stewart, Renee Sheperd, Marc Goncher, Saul Schultz and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce and George Barnes Department of Watershed Management; Interim-Commissioner, Joe Basista, Deputy Commissioner Donna Owen, Madelyn Grant, Department of Public Works; Cathy Martin, 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 9:12 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**
- D. COMMUNICATIONS**

08-C-0530 (1) A Communication by Mayor Shirley Franklin appointing **Mr. Joe Basista** as the Commissioner of Public Works, scheduled to begin on the date of Council confirmation.
(Councilmember Young made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

City Utilities Committee Minutes
April 1, 2008
Page Two

COMMUNICATIONS (CONT'D)

- 08-C-0531 (2) A Communication by Councilmembers Carla Smith, District 1; Kwanza Hall, District 2 and Ceasar C. Mitchell, Post 1 At-Large appointing **Ms. Stacia Wilkaitis** to serve as a member of the Water and Sewer Appeals Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
(Councilmember Smith made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

- 08-C-0532 (3) A Communication by Councilmembers Ivory Lee Young, Jr., District 3; Cleta Winslow, District 4 and Ceasar C. Mitchell, Post 1 At-Large appointing **Mr. Sho Watson, Esq.** 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 Smith made a motion to hold.)

HELD

E. ORDINANCES FOR SECOND 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 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.
(Councilmember Smith made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

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.

(Councilmember Smith made a motion to approve.)

FAVORABLE

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.

(Councilmember Smith made a motion to hold for further review.)

HELD

ORDINANCES FOR SECOND READING (CONT'D)

08-O-0540 (4) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Time Warner Telecom of Georgia, LP to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0541 (5) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Sprint Telecommunications Corporation, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0542 (6) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Southern Telecom, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0543 (7) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Progress Telecommunications Corporation, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

ORDINANCES FOR SECOND READING (CONT'D)

08-O-0544 (8) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Looking Glass Networks, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0545 (9) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with AGL Networks, LLC, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0546 (10) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with XO Georgia, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

08-O-0547 (11) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with BellSouth Telecommunications, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

(Councilmember Smith made motion to approved, 2nd Reading 1st Adoption)

FAVORABLE - 2ND READING 1ST ADOPTION

ORDINANCES FOR SECOND READING (CONT'D)

08-O-0551 (12) An Ordinance by Councilmember Jim Maddox **as substituted by City Utilities Committee** 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-07-65 (4050 Grant Place, SW) applicant deposit a dollar amount (\$7,792.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 11; and for other purposes. **(Councilmember Smith made motion to approve on substitute)**

FAVORABLE ON SUBSTITUTE

08-O-0555 (13) An Ordinance by Councilmember Anne Fauver **as substituted by City Utilities Committee** to amend Chapter 138, Article II, Division 7, Section 138-61 (Entitled, "Dumpsters") of the Code of Ordinances of the City of Atlanta, so as to require that owners or providers of dumpsters that are placed in the public right-to-way maintain said dumpsters so that they are free of graffiti; and for other purposes. **(Councilmember Smith made motion to approve on substitute)**

FAVORABLE ON SUBSTITUTE

08-O-0562 (14) An Ordinance by Councilmember Anne Fauver **as amended by City Utilities Committee** amending the Code of Ordinances of the City of Atlanta by deleting a sentence in subparagraph (f); and for other purposes. **(Councilmember Smith made motion to amend and hold)**

AMENDED AND HELD

City Utilities Committee Minutes
April 1, 2008
Page Seven

F. PAPER HELD IN COMMITTEE

06-O-0937 (1) 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 (2) 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.
(Councilmember Mitchell made motion to approve)

FAVORABLE

07-R-0002 (3) 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 (4) 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

PAPERS HELD IN COMMITTEE (CONT'D)

07-R-1477 (5) 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 (6) 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 (7) 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 (8) 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

City Utilities Committee Minutes
April 1, 2008
Page Nine

PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2505 (9) 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-O-2604 (10) 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 (11) 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 (12) 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

City Utilities Committee Minutes
April 1, 2008
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

08-R-0296 (13) 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.)**

HELD

08-O-0426 (14) 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. **(Public Hearing held 3/19/08 at 6:30 p.m. in the Council Chambers) (Held 3/11/08)**

HELD

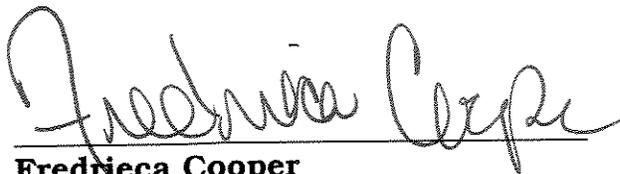
G. REQUESTED ITEM

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

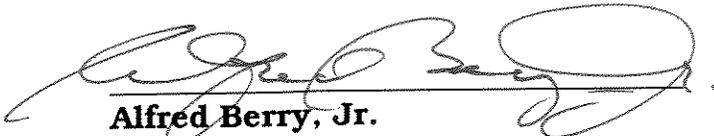
**City Utilities Committee Minutes
April 1, 2008
Page Eleven**

There being no further business to come before the Committee, the meeting was adjourned at 10:38 a.m.

Respectfully Submitted:



**Fredneça Cooper
Legislative Assistant**



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



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