

**CITY UTILITIES COMMITTEE**

**MINUTES**

**JULY 15, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 15, 2008 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 Clair Muller**  
**The Honorable Howard Shook**

The following members were absent:

**The Honorable Natalyn M. Archibong**  
**The Honorable Ivory L. Young, Jr.**

Others present at the meeting were: Councilmember Anne Fauver; Theresa Stewart, Saul Schultz, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioner Shelia Pierce and Susan Rutherford, Department of Watershed Management; Madelyn Grant, Department of Public Works; Raines Carter, City Solicitor; Cathy Martin, Office of Procurement; 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 THE MINUTES - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

**CONSENT**

- D. ORDINANCES FOR FIRST READING**

08-O-1433 ( 1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Bond Fund) in the amount of \$1,924,000.00 to transfer fund for the Capital Projects Reserve for appropriations and to add to appropriation funds for H.T.P., Reservoir Expansion; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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

08-O-1459 ( 2) An Ordinance by City Utilities Committee to amend Ordinance 06-O-1573, adopted by the City Council on May 5, 2008 and approved by the Mayor on May 13, 2008, to correctly identify the present owners of the Atlanta Hilton Hotel and the Atlanta Marriott Marquis Hotel; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E. ORDINANCE FOR SECOND READING**

08-O-1274 ( 1) An **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2008 Budget (Water and Wastewater Renewal and Extension Fund (2J21) – Commercial Paper, Series I) in the amount of \$100,583,945.31 to transfer funds from remaining completed, realigned, postponed or discontinued projects to the Capital Projects Reserve and add to appropriation funds for Sewer Group 2 – Rehabilitation (\$22,924,000.00) and South River Tunnel & Pump Station (\$74,630,000.00); and for other purposes.

**(Councilmember Muller made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**F. RESOLUTIONS**

08-R-1365 ( 1) A Resolution by City Utilities Committee authorizing the Mayor, on behalf of the Department of Watershed Management (“Department”), to apply for and accept a donation of Stream Restoration Design Services from the Southeastern Regional Water Quality Assistance Network (SERWQAN) Technical Assistance for Southeastern Watersheds Program, for the purpose of designing a Stream Restoration Project on a city-owned section of the McDaniel Branch; and for other purposes.

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

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 08-R-1366 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to apply for and accept grants and donations from various sources for the purpose of the construction of the City Hall Green Roof Phase II; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE (1 NAY) SHOOK**

- 08-R-1367 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to execute a Contract with Southeast Pipe Survey, Inc./North American Pipeline Management Inc. ("SEPS/NAPM"), a Joint Venture, for FC-4505, Sewer Group Two Rehabilitation, Phase I Cured-In-Place-Pipe Contract F, on behalf of the Department of Watershed Management in an amount not to exceed \$5,128,331.20; all contracted work shall be charged to and paid from Various PATEO Funding Sources; and for other purposes.  
**(Councilmember Shook made a motion to approve)**

**FAVORABLE**

- 08-R-1434 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to accept on the City of Atlanta certain property at the intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14<sup>th</sup> (FF) District, Fulton County, Georgia, as described in the attached Exhibits "A" and "A-1", pursuant to a Quitclaim Deed conveying land to the City for water and sewer purposes; and for other purposes.  
**(Councilmember Smith made a motion to approve)**

**FAVORABLE**

- 08-R-1435 ( 5) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to Proceed** to Shaw Environmental, Inc./AIM Partners, PLC, Joint Venture ("Shaw/AIM), for FC-7619-03F, Annual Contract for Architectural and Engineering Services, to provide right-of-way acquisition services for one (1) parcel (Parcel No. 17) for the Mitchell Street Bridge Project, on behalf of the

**RESOLUTIONS (CONT'D)**

Department of Public Works, in an amount not to exceed \$5,436.00 with all work to be charged to and paid from Fund, Department, and Account Number: 3128 (2008 Quality of Life Fund) 130308 (DPW Engineering) 100983 (Mitchell Street Viaduct ROW Acq.) 4270000 (Traffic Engineering) and PTAEO Funding Source 13100983/103/313821776/5212001.

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

**HELD**

- 08-R-1436 ( 6) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to Proceed** to CH2M Hill/Williams-Russell and Johnson, Inc., a Joint Venture, for FC-7619-03C, Citywide Annual Contract for Architectural and Engineering Services, City of Atlanta Alignment of Parcel Boundaries, on behalf of the Department of Watershed Management, in an amount not to exceed \$537,119.00; all contracted work will be charged to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

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

**FAVORABLE (1 NAY) SHOOK**

- 08-R-1437 ( 7) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with A & D Painting, Inc., for FC-6005007917, Annual Contract for Painting and Pressure Washing Services, on behalf of the Department of Watershed Management in an amount not to exceed \$600,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number: 5051 (Water and Wastewater Revenue Fund 170407 (DWM Drinking Water Facility Maintenance) 5522001 (Repair and Maintenance/Building) 4430000 (Treatment); and for other purposes.

**(Councilmember Smith made a motion to approve on substitute)**

**FAVORABLE ON SUBSTITUTE**

**RESOLUTIONS (CONT'D)**

08-R-1438 ( 8) A Resolution by City Utilities Committee authorizing the Mayor to execute a Contract with Synagro South, LLC for FC-4411, Annual Contract for Sludge Hauling and Disposal Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,563,435.00; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Number; and for other purposes.  
**(Councilmember Shook made a motion to approve)**

**FAVORABLE**

08-R-1445 ( 9) 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 5/27/08)**  
**(Councilmember Smith made a motion to hold.)**

**HELD**

**G. PAPERS 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**

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

07-R-0002 ( 2) 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 ( 3) 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 ( 4) 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**

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

07-O-1521 ( 5) 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-2505 ( 6) 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 ( 7) 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 ( 8) 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**

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

- 08-R-0008 ( 9) 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 14<sup>th</sup> (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 file)**

**FILE**

- 08-O-0481 (10) 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. **(Held 4/1/08 for further review.)**

**HELD**

- 08-O-0562 (11) An Ordinance by Councilmember Anne Fauver **as substituted and amended by City Utilities Committee** amending Chapter 138, Article I Section 138-13 of the Code of Ordinances of the City of Atlanta, so as required that any person issued a citation under said section must appear in Municipal Court to respond to the citation, to clarify the method for imposition of fines; to clarify the amount of time that a person found to have violated said section may be sentenced to jail, to conflicting ordinances; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute as amended)**

**FAVORABLE ON SUBSTITUTED AS AMENDED**

- 08-R-0682 (12) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road; and for other purposes. **(Held 5/5/08 for further review)**

**HELD**

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

08-O-1000 (13) An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**

**HELD**

08-O-1028 (14) An Ordinance by City Utilities Committee to accept a permanent construction easement and the necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the detour route for the Hollywood Road Bridge Replacement Project; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings and to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4 in an amount not to exceed \$250,000.00 which will come from Impact Fees charged to developers; all contracted work will be charged to and paid from Fund Department Organization and Account Numbers: 3502 7\*\*\*\*\*130308\*\*\*\*\*; and for other purposes.  
**(Councilmember Smith made a motion to file)**

**FILE**

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

08-R-1030 (15) A Resolution by City Utilities Committee authorizing the Mayor to accept a quitclaim easement deed on Norfolk Southern Railway Company property running under the Hollywood Road Bridge located between Perry Boulevard and Burtz Street, for the purpose of allowing the City public right-of-entry for maintenance of the approaches to the Hollywood Road Bridge and for maintenance of the Bridge; and for other purposes.  
**(Councilmember Shook made a motion to approve)**

**FAVORABLE**

08-R-1031 (16) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement which authorizes the Norfolk Southern Railway Company to install a new Hollywood Road Bridge above the railroad's right-of-way that runs below Hollywood Road between Perry Boulevard to Burtz Street, to relocate a Department of Watershed Management Water Main running across the surface for the present bridge, to require the railroad to deliver to the City a new easement over the railroad's the property under the Hollywood Road Bridge; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute)**

**FAVORABLE ON SUBSTITUTE**

08-O-1213 (17) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d).  
**(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

08-O-1215 (18) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

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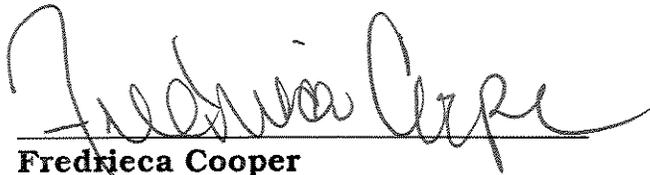
PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1217 (19) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

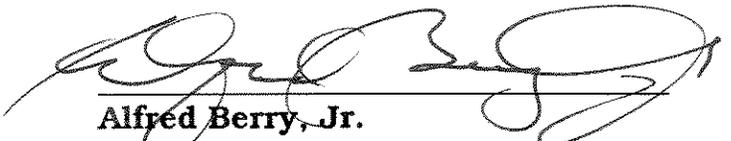
HELD

There being no further business to come before the Committee, the meeting was adjourned at 10:47 a.m.

Respectfully Submitted:



**Fredrieca Cooper**  
**Legislative Assistant**



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



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