

CITY UTILITIES COMMITTEE

MINUTES

MARCH 10, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 10, 2009 at 9:20 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 Natalyn M. Archibong
The Honorable Joyce Sheperd

The following members were absent:

The Honorable Clair Muller
The Honorable Howard Shook

Others present at the meeting were: M. Theresa Stewart, Renee Sheperd, Marc Goncher and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce, Melanie Langston and George Barnes, Department of Watershed Management; Madelyn Grant and Nursef Kedir, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:20 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**

09-O-0402 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052-2J21)- Commercial Paper, Series I) in the amount of \$800,000.00 to transfer funds from the Capital Projects Reserve for Appropriations and to add to appropriation funds for the South River Tunnel and Pumping Station; and for other purposes.

TO BE REFERRED CITY UTILITIES COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

- 09-O-0403 (2) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with NextG Networks of NY, Inc. d/b/a NextG Networks East, to provide telecommunications services using public right-of-way; specifying the compensation due to the City of Atlanta by the Franchise Agreement; and for other purposes.

TO BE REFERRED CITY UTILITIES COMMITTEE

REGULAR

E. PUBLIC HEARING - ORDINANCE BY FOR SECOND READING

- 09-O-0274 (1) An Ordinance by Councilmember Joyce M. Sheperd to rename Fulton Boulevard, SW where it intersect with Estes Avenue, SW and Lakewood Avenue, SW where it intersect with Murphy Avenue, SW to Estes Avenue, SW; to waive various subsections of Section 138-8 of the Code of Ordinances of the City of Atlanta; and for other purposes.
(Public Hearing held 3/10/09)
(Councilmember Smith made a motion to approve.)

FAVORABLE

F. ORDINANCES FOR SECOND READING

- 09-O-0283 (1) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Bond Fund – 5057) in the amount of \$19,384,000.00 to transfer funds from the Capital Projects Reserve (5057) for Appropriations and to add to appropriation funds for the Hemphill Finished Water Pump Station; and for other purposes.
(Councilmember Young made a motion to approve on substitute on condition.)

FAVORABLE ON SUBSTITUTE ON CONDITION

ORDINANCES FOR SECOND READING (CONT'D)

- 09-O-0284 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (2J21/5052) Budget-Commercial Paper, Series I) in the amount of \$67,931,421.71 to transfer funds from completed, realigned, postponed or discontinued projects to the Capital Projects Reserve for Appropriations; and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

- 09-O-0285 (3) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article III (Water), Division 3 (Rates, Charges and Related) of the City of Atlanta Code of Ordinances so as require that all newly constructed multi-family or mixed use buildings containing residential units, install separate water meters for each residential unit; to require the installation of separate meters in multi-family or mixed used buildings undergoing major renovation involving the repair or replacement of plumbing fixtures; and for other purposes.
(Councilmember Young made a motion to approve on condition.)

FAVORABLE ON CONDITION

- 09-O-0286 (4) An Ordinance by City Utilities Committee rescinding Ordinance Number 08-O-1433 adopted by Council on August 18, 2008 and approved by the Mayor on August 26, 2008 authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Bond Fund - 5057) in the amount of \$2,711,884.00 to transfer funds from the Capital Projects Reserve (5057) for Appropriations and to add to appropriation, funds for the H.T.P. Reservoir Expansion; and for other purposes.
(Councilmember Smith made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

09-O-0479 (5) An Ordinance by Councilmember Kwanza Hall authorizing the **abandonment** of a portion of Morgan Street between North Angier Avenue and an unnamed road consisting of approximately 10,798 square feet and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 18 of the 14th District, Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes. **(Advertised for a Public Hearing 3/31/09)**
(Councilmember Smith made a motion to hold for a public hearing.)

HELD

09-O-0480 (6) An Ordinance by Councilmember Kwanza Hall authorizing the **abandonment** of a portion of Dallas Street between Edith Street and an unnamed road consisting of approximately 17,948 square feet and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 18 of the 14th District, Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes. **(Advertised for a Public Hearing 3/31/09)**
(Councilmember Smith made a motion to hold for a public hearing.)

HELD

G. RESOLUTIONS

09-R-0404 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Tople Construction, Inc., on behalf of the Department of Public Works, for FC-3007000046, construction of the Collier Road Sidewalk Improvement Project to include the north side of Collier Road for time only at no additional cost to the City; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

RESOLUTIONS (CONT'D)

- 09-R-0405 (2) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Ed Castro Landscape, Inc., for FC-6006007927, Annual Contract for Landscaping Services, on behalf of the Department of Watershed Management in an amount not to exceed \$714,000.00; all contracted work will be charged to and paid from Various Funds, Department, Organization and Account Numbers; and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 09-R-0406 (3) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into a Sewer Encroachment Agreement with property owner of 3185 Nancy Creek Rd., Atlanta, Georgia, for the purpose of allowing a certain pedestrian bridge to be located on and over a certain sanitary sewer easement and facilities and to indemnify and hold the City harmless for same; and for other purposes.
(Councilmember Young made a motion to approve on condition.)

FAVORABLE ON CONDITION

- 09-R-0478 (4) A Resolution by Councilmember Kwanza Hall **as substituted by City Utilities Committee** authorizing the Mayor to enter into an Encroachment Agreement between Hard Rock Café; International (STP), Inc., and the City of Atlanta, authorizing the placement of a thirty (30) foot tall Illuminated Neon Guitar Sign to the exterior corner of the building abutting the northeast corner of the intersection at Peachtree Street and International Boulevard, said sign to encroach into the public right-of-way, in accordance with the provisions of Article II of Chapter 138 of the City of Atlanta's Code of Ordinances; and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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H. PAPERS HELD IN COMMITTEE

06-O-0937 (1) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** 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. **(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**

HELD

07-R-1214 (2) 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-O-1521 (3) 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

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PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2505 (4) 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. **as amended by City Utilities Committee** 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 (5) 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 (6) 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-O-0481 (7) 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

PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1000 (8) 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-1213 (9) 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 (10) 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

08-O-1217 (11) 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

08-R-1445 (12) 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 7/15/08) (Dummy paper)**

HELD

08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**

HELD

08-O-1922 (14) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes. **(Councilmember Young made a motion to approve.)**

FAVORABLE

08-O-2139 (15) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

08-R-2162 (16) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTEE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**

HELD

08-R-2163 (17) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; and for other purposes. **(Amended and held 11/10/08 at the request of the Department of Watershed Management.)**

HELD

08-R-2419 (18) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, _____, for FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants on behalf the Department of Watershed Management, in an amount not to exceed _____ that all services for said contracted work shall be charged to and paid from _____ (to built by Finance Department); and for other purposes. **(Held 12/9/08 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

09-O-0214 (19) An Ordinance by City Utilities Committee rescinding 97-O-1090 which abandoned Gaither Circle, NE between Cheshire Bridge Road, NE and Wellbourne Drive, NE, all lying and being in Land Lot 50 of the 17th District, Fulton County, Georgia; and for other purposes. **(Held 2/24/08 for a Public Hearing)**

HELD

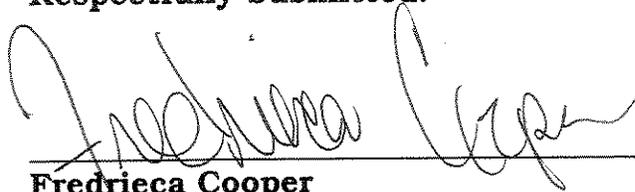
I. REQUESTED ITEM

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

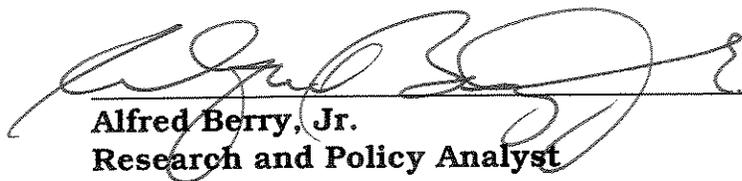
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There being no further business to come before the Committee, the meeting was adjourned at 10:31 a.m.

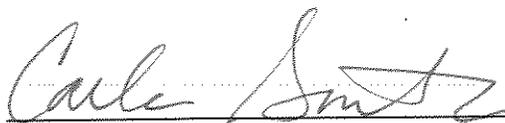
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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