

CITY UTILITIES COMMITTEE

MINUTES

APRIL 28, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, April 28, 2009 at 9:17 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 Howard Shook
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Joyce Sheperd
The Honorable Natalyn M. Archibong

Others present at the meeting were: Elizabeth Chandler, City Attorney, M. Theresa Stewart, Renee Sheperd, and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Madelyn Grant Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:17 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-0657 (1) An Ordinance by City Utilities Committee rescinding Ordinance Number 09-O-0006 adopted by Council of February 2, 2009 and approved by the Mayor on February 10, 2009 authorizing the Chief Financial Officer to amend the FY 2009 Budget (5052-2J21 Water and Wastewater Renewal and Extension Fund – Commercial Paper I) in the amount of \$1,423,750.00; to transfer funds from the Capital Projects Reserve for Appropriations and add to

ORDINANCES FOR FIRST READING (CONT'D)

appropriations for Land and Easement Accounts for the following Projects; Camp Creek Basin Relief, Proctor Creek South River Basin Relief, Sandy Creek Basin Relief, Custer Ave. (Stockade) Sewer Separation, Fairburn Road Pump & Water Mains & South-West Main Improvements; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 09-O-0658 (2) An Ordinance by City Utilities Committee rescinding Ordinance Number 09-O-0007 adopted by Council of February 2, 2009 and approved by the Mayor on February 10, 2009 authorizing the Chief Financial Officer to amend the FY 2009 Budget (5052-2J21 Water and Wastewater Renewal and Extension Fund – Commercial Paper I) in the amount of \$4,443,440.00; to transfer funds from appropriations in Sewer Group 1 Rehabilitation (Land & Easement) and Sewer Group 2 Rehabilitation (Land & Easement) Accounts and add to the Capital Projects Reserve (5052) for use on other Capital Projects; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 09-O-0659 (3) 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)) in the amount of \$6,495,000.00; to transfer funds from the Surcharge Projects Reserve for Appropriations and to add to appropriation funds for the Chattahoochee/Hemphill WTP's – Various Improvement; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 09-O-0660 (4) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Fund 2J27/5057)) in the amount of \$12,287,398.00; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

09-O-0661 (5) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2004 Water and Wastewater (5058/2J28)) in the amount of \$1,357,750.00; to transfer funds from the Capital Projects Reserve for Appropriations and add to appropriations for Land and Easement Accounts for the following projects: (Camp Creek Basin Relief, Proctor Creek Basin Relief, South River Basin Relief, Sandy Creek Basin Relief; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

09-O-0662 (6) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2004 Water and Wastewater Bond Fund- 5058)) in the amount of \$12,165,000.00; to transfer funds from the Capital Projects Reserve (5058)) for Appropriations and to add to appropriation funds for the Automation of Hemphill & Chattahoochee Water Treatment Plants; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

09-O-0663 (7) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 (2004 Water and Wastewater - (2J28/5058)) Budget, in the amount of \$39,685,993.15; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

09-O-0797 (8) An Ordinance by City Utilities Committee amending Chapter 130, Article II, Division 4, Section 130-83(a) of the Code of Ordinances of the City of Atlanta, to create a Minimum Collections Fee for Solid Waste Service Charges; amending Section 130-84 of the Code of Ordinances of the City of Atlanta to create a new subsection to authorize a fee for the use of specialized equipment during Solid Waste Collection; and for other purposes. **(To be advertised for a Public Hearing.)**

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. COMMUNICATION

- 09-C-0629 (1) A Communication by Councilmember Carla Smith appointing **Ms. Tina A. Arnold** to serve as a member of the Keep Atlanta Beautiful Board. 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 approve.)

FAVORABLE -REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 09-O-0403 (1) 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.
(Councilmember Smith made a motion to approve.)

FAVORABLE - 3RD READING, FINAL ADOPTION

- 09-O-0500 (2) An Ordinance by Councilmember Ceasar C. Mitchell to transfer \$18,000.00 from Post 1-At-Large Councilmember Expense Account to the Department of Public Works to be used to assist in funding the Cahaba Drive Walking Path Project; and for other purposes. **(Referred back by Council 4/20/09)**
(Councilmember Mitchell made a motion to hold.)

HELD

- 09-O-0816 (3) An Ordinance by Councilmember Cleta Winslow authorizing the Chief Financial Officer to amend the FY 2009 Water and Wastewater Budget, on behalf of the Department of Watershed Management, in the amount of \$400,000.00 by transferring Fund from Various Account for litigation expenses associated with Department of Watershed Management Matters; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

G. RESOLUTIONS

09-R-0664 (1) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group, a Joint Venture, for FC-7619-03B, Annual Contract for Architectural and Engineering Services, for additional design services for the East Atlanta Village Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$31,700.00; with all contracted work being charged to and paid from the following Fund, Department and Account Number: 3138 (2008 Quality of Life Improvement Bond Fund) 130308 (DPW Transportation Design) 5410001 (Consulting/Professional Services/Capital Projects); and PTAE0 Funding Numbers: 13102533 102 313821776 5410001 COA; and for other purposes.

(Councilmember Archibong made a motion to approve.)

FAVORABLE

09-R-0665 (2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters & Associates, a Joint Venture, for FC-7619-03A, City-Wide Annual Contract for Architectural and Engineering Services, for Watershed Improvement Plan (WIP) for South River Watershed, on behalf of the Department of Watershed Management, in an amount not to exceed \$99,980.00; all contracted work will be charged to and paid from the Fund, Department Organization and Account Number: 5051 (Water & Wastewater Revenue Fund) 5212001 (DWM Greenway Planning) 170602 (Consulting/Professional Services) 7410000 (Planning Zoning); and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 09-R-0666 (3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters & Associates, a Joint Venture for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for Water Utility Location Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,500,000.00; all contracted work will be charged to and paid from the Fund, Department Organization and Account Number: 5052 (Water & Wastewater Renewal & Extension Fund) 170408 (DWM Drinking Water Engineering Services) 5212001 (Consulting/Professional Services) 4440000 (Distribution) (Drinking Water Engineering Services); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 09-R-0667 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 with Tople Construction, Inc., for FC-3007000046, for the Construction of Sidewalk Improvement Projects on behalf of the Department of Public Works in an amount not to exceed \$688,035.06; all contracted work shall be charged to and paid from Various Account Numbers; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 09-R-0668 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 for FC-6005007944, Water Meter Replacement and Automated Meter Reading ("AMR") Deployment with K&V Meter Automation, LLC Joint Venture ("JV") on behalf of the Department of Watershed Management, for time-only; and for other purposes.
(Councilmember Archibong made a motion to hold.)

HELD

RESOLUTIONS (CONT'D)

- 09-R-0669 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., Joint Venture for FC-300700044, Annual Contract for Pipe Laying, on behalf of the Department of Watershed Management, for time-only; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 09-R-0670 (7) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Synagro South, LLC, for FC-6007000087, Annual Contract for Bio-Solids Digester Cleaning, Dewatering, Hauling and Disposal Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,922,000.00; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 09-R-0671 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Wade Coats Company, Inc., for FC-4195, Annual Contract for Testing and Analysis of Large Water Meters, on behalf of the Department of Watershed Management, for time-only; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 09-R-0672 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2, for FC-6005007893, Utility Bill Payment Center Services, with GSC Enterprise, Inc., d/b/a Fidelity Express, Inc., on behalf of the Department of Watershed Management, for time-only; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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

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.)**

HELD

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-2139 (14) 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

08-R-2162 (15) 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

PAPERS HELD IN COMMITTEE (CONT'D)

- 08-R-2419 (16) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Crowder Construction Company for, FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants, on behalf OF the Department of Watershed Management, in an amount not to exceed \$12,065,000.00; that all contracted work shall be charged to and paid from Project Award Task Expenditure Organization and Account Number 17102481.505821445.101.5212001.COA and Fund, Department Organization and Account Number: 5058 (2004 Water & Wastewater Bond Fund) 170403 (DWM Drinking Water Operational Support) 5212001 (Consulting Professional Service) 4420000 (Supply); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE ON SUBSTITUTE

- 09-O-0214 (17) 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

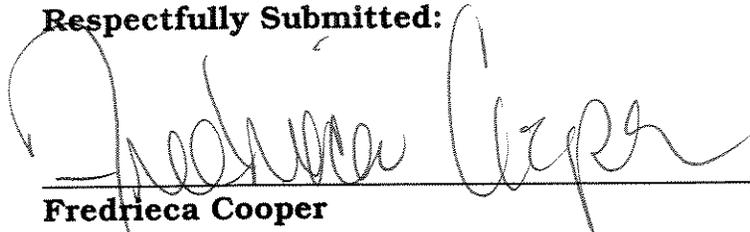
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

H. REQUESTED ITEM

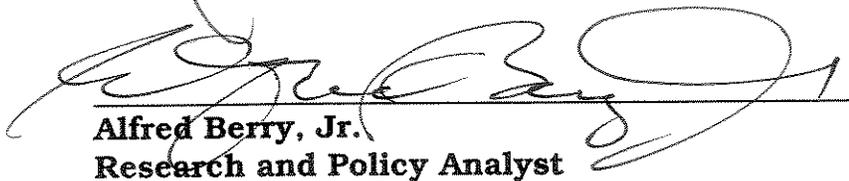
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

There being no further business to come before the Committee, the meeting was adjourned at 10:01 a.m.

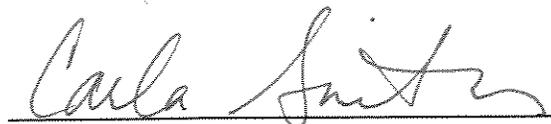
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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