

CITY UTILITIES COMMITTEE

MINUTES

JUNE 9, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, June 9, 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: M. Theresa Stewart and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Commissioner Joseph Basista and James Swope, Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:13 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA- ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. COMMUNICATIONS**

09-C-1009 (1) A Communication by Mayor Shirley Franklin appointing **Ms. Alisa M. Chambers** to serve as a member of the Keep Atlanta Beautiful Board of Directors on behalf of the City of Atlanta. 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

PAPERS HELD IN COMMITTEE (CONT'D)

- 09-C-1010 (2) A Communication by Mayor Shirley Franklin appointing **Ms. Holly D. Elmore** to serve as a member of the Keep Atlanta Beautiful Board of Directors on behalf of the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Shook made a motion to forward with no recommendation.)

FORWARDED WITH NO RECOMMENDATION TO COMMITTEE ON COUNCIL

E. 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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

PAPERS HELD IN COMMITTEE (CONT'D)

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

09-O-0214 (16) 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

09-O-0500 (17) 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) (Held 4/28/09 at the request of Councilmember Mitchell)**

HELD

09-O-0660 (18) 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. **(Held 5/12/09 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

09-O-0663 (19) 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. **(Held 5/12/09 for further review.)**

HELD

09-O-0797 (20) 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. **(Public Hearing held 5/12/09.)**
(Councilmember Smith made a motion to approve.)

FAVORABLE (1 NAY) SHOOK

09-O-0847 (21) An Ordinance by City Utilities Committee to amend Section 130-83(a) of the City's Code of Ordinances to reflect the current practice of annual billing for Solid Waste Service; to authorize the assessment of prorated Solid Waste Service Fees for properties that begin service subsequent to the assessment of annual bills; and for other purposes. **(Councilmember Mitchell made a motion to approve.)**

FAVORABLE (1 NAY) SHOOK

09-R-0935 (22) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with _____, for FC-4742, Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract D, on behalf of the Department of Watershed Management, in an amount not to exceed \$_____; all contracted work shall be charged to and paid from Fund, Department and Account Number_____; and for other purposes. **(Held 5/26/09 for further review)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

09-R-0936 (23) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with _____, for FC-4746, Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract E, on behalf of the Department of Watershed Management, in an amount not to exceed \$_____; all contracted work shall be charged to and paid from Fund, Department and Account Number_____; and for other purposes.
(Held 5/26/09 for further review)

HELD

F. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.
2. Councilmember Muller requested a presentation from the Office of Sustainability next meeting.

G. ITEM NOT ON THE AGENDA

RESOLUTION

09-R-1083 (1) A Resolution by City Utilities Committee authorizing the Mayor to issues a **Notice to Proceed** to Atlanta Services Group, for FC-7619-03B, Citywide Annual Contract for Architectural and Engineering Services for R. M. Clayton WRC Cogeneration Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$398,489.06; all contracted work will be charged to and paid from Fund, Department Organization and Account Number: 5052 (Water & Wastewater Revenue Fund) 170302 (DWM Watershed Utility) 5212001 (Consulting/Professional) 1535000 (Data Processing); and for other purposes.

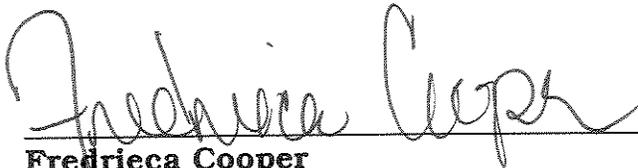
(Councilmember Mitchell made a motion to approve.)

FAVORABLE (1 ABSTENTION) SHOOK

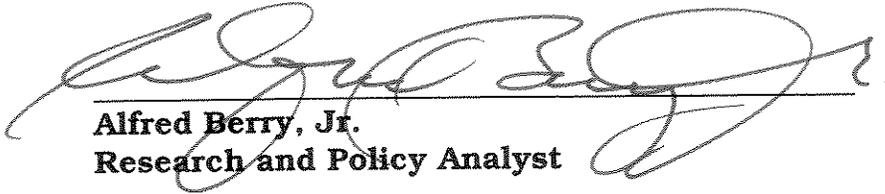
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There being no further business to come before the Committee, the meeting was adjourned at 10:08 a.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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