

CITY UTILITIES COMMITTEE

MINUTES

JULY 14, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 14, 2009 at 9:15 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 Clair Muller
The Honorable Joyce Sheperd
The Honorable Ivory L. Young, Jr.

The following member was absent:

The Honorable Natalyn M. Archibong

Others present at the meeting were: M. Theresa Stewart, Stephanie Grant and Renee Sheperd, Law Department; Deputy Commissioners Sheila Pierce and Sally Mills, Department of Watershed Management; Michelle Wynn, Department of Public Works; Greg Pridgeon, Mayor's Office; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:15 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-1222 (1) An Ordinance by City Utilities Committee to amend Section 2-25 of the City of Atlanta Ordinance entitle "Cable Communication Ordinance" (94-O-1777) so as to amend the definition of "Gross Revenue" such that it is consistent with State Law; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

- 09-O-1223 (2) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Agreement between the City of Atlanta and Comcast of Georgia/Virginia, Inc., for the purpose of renewing the Cable Franchise granted for the construction, reconstruction, operation and maintenance of a Cable Communications System within the City; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. COMMUNICATIONS

- 09-C-1203 (1) A Communication by Councilmember Anne Fauver re-appointing **Mr. John Wolfinger** to serve as a member of the Keep Atlanta Beautiful Board of Directors. This re-appointment is retroactive to November 06, 2008 and expires November 06, 2010.

(Councilmember Smith made a motion to approve and referred to Committee on Council)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

- 09-C-1204 (2) A Communication by Mayor Shirley Franklin appointing **Ms. Cynthia Wolfe** 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 Mitchell made a motion to approve and referred to Committee on Council)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 09-O-1112 (1) An Ordinance by City Utilities Committee authorizing the City of Atlanta to anticipate funds for the Care and Conserve Program, on behalf of the Department of Watershed Management, in the amount of \$340,468.00; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 09-O-1113 (2) 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 \$190,240.23 to transfer funds from the Capital Projects Reserve (5058) for appropriations and to add to appropriation funds for the GA Tech Midtown Water Main Replacement Project; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 09-O-1114 (3) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Renewal & Extension Water and Wastewater Fund-5052) in the amount of \$5,200,000.00 to transfer funds from the General Reserve (5052) for appropriations and to add to appropriation funds for the RM Clayton WTP Co-Generation Project; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE (1 ABSTENTION) SHOOK

G. RESOLUTIONS

- 09-R-1224 (1) A Resolution by City Utilities Committee authorizing the Mayor to her designee to enter into an agreement between the City of Atlanta and National Center for Civil and Human Rights to allow for the installation of granite markers to be a part of the Civil Rights Walk of Fame within the public rights-of-way; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 09-R-1225 (2) A Resolution by City Utilities Committee authorizing the Mayor to her designee to enter into an agreement between the City of Atlanta and Brookwood Hills Community Club, Inc., to allow for the erection of Neighborhood Monuments within the public right-of-way; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 09-R-1226 (3) A Resolution by City Utilities Committee authorizing the Mayor to her designee to enter into an agreement between the City of Atlanta and Rubicon, L. C., to allow for the erection of a retaining wall within the public right-of-way; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 09-R-1227 (4) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters and Associates, a Joint Venture, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for the Lakewood Heights Town Center Project and for the Design and Construction Management Services on the Peachtree Road/Peachtree Battle Intersection Improvement Project on behalf of the Department of Public Works in an amount not to exceed \$280,033.00; all contracted work being charge to and paid from Fund Department, Function Activity and PTAE0 Funding Source listed; and for other purposes.
(Councilmember Sheperd made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

09-R-1228 (5) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 5 for the agreement with Southeast Energy Assistance, for FC-6005007948, Care and Conserve Program, on behalf of the Department of Watershed Management to provide for the continued administration of the program in an amount not to exceed \$770,000.00 to be charged to and paid from Fund, Account, Center Number) 7701 (Trust Fund) 170101 (DWM Commissioner for Watershed Management) 5239004 (Service Grants) 1320000 (Chief Executive) 201333 (Care Conserve Fund) 11690 (Private Contri VAR Yrs QNA0); and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

09-R-1229 (6) A Resolution by City Utilities Committee to correct Resolution Number 08-R-2419 adopted by the City Council on May 4, 2009 and approved by the Mayor on May 12, 2009 by deleting the incorrect Department Organization and Expenditure and Description and inserting in lieu thereof the correct Department Organization and Expenditure Number and Description; and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

09-R-1230 (7) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to CH2M Hill/Williams-Russell and Johnson, Inc., Joint Venture, for FC-7619-03C, Citywide Annual Contract for Architectural and Engineering Services, Task Order Biological Monitoring Support and Program/Project Management, on behalf of the Department of Watershed Management, in an amount not to exceed \$108,786.00; all contracted work will be charged to and paid from Fund Department Organization and Account Number listed: 5051 (DWM Water and Wastewater Revenue Fund) 170603 (DWM-Industrial Wastewater Monitoring) 5212001 (Consultant/Professional Services) 7210000 (Protective Inspection Administration); and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE (1 ABSTENTION) YOUNG

RESOLUTIONS (CONT'D)

- 09-R-1231 (8) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Atlanta Services Group, Joint Venture, for FC-7619-03B, Annual Contract for Architectural and Engineering Services, South River Tunnel and Pumping Station Engineering & Management Support during construction, on behalf of the Department of Watershed Management, in an amount not to exceed \$328,060.00; all contracted work will be charged to and paid from Fund Department Organization and Account Number: 5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5212001 (Consulting/Professional Services) 4333000 (New Sewer Services) and Project Award Task Expenditure and Organization Number 17110345.102.50581445.5212001. COA; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 09-R-1232 (9) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with People TV, Inc. to operate public access o the Cable System in the City Atlanta; for the purpose of providing funding for public access; and for other purposes.
(Councilmember Smith made a motion to approve.)

HELD

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

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RESOLUTIONS (CONT'D)

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

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

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PAPERS HELD IN COMMITTEE (CONT'D)

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

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

PAPERS HELD IN COMMITTEE (CONT'D)

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

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

PAPERS HELD IN COMMITTEE (CONT'D)

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

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

PAPERS HELD IN COMMITTEE (CONT'D)

- 09-O-0500 (17) An Ordinance by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** to transfer \$18,000.00 from the Contingency FD Unrestricted Account to the Department of Public Works to be used to assist in funding the Cahaba Drive Walking Path Project; and for other purposes.
(Councilmember Mitchell made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 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

- 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-R-0935 (20) 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

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- 09-R-0936 (21) 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

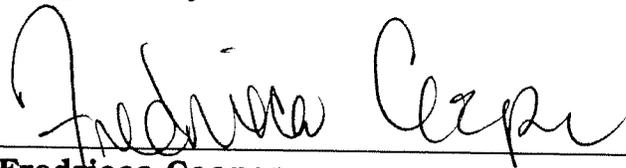
I. REQUESTED ITEMS

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

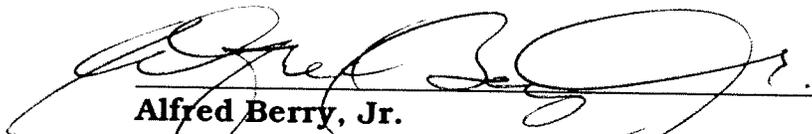
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There being no further business to come before the Committee, the meeting was adjourned at 10:12 a.m.

Respectfully Submitted:



**Fredneca Cooper
Legislative Assistant**



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



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