

CITY UTILITIES COMMITTEE

MINUTES

JULY 28, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 28, 2009 at 9:31 a.m.**, in Committee Room #2. The following members were present:

The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Clair Muller
The Honorable Joyce Sheperd
The Honorable Ivory L. Young, Jr.
The Honorable Natalyn M. Archibong

The following members were absent:

The Honorable Carla Smith, Chair
The Honorable Howard Shook

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

Vice-Chair Mitchell called the meeting to order at 9:31 a.m. after declaring a quorum present. He 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. ORDINANCES FOR SECOND 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.
(Councilmember Mitchell made a motion to hold.)

HELD

ORDINANCES FOR SECOND 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. **(2nd Reading, 1st Adoption)**
(Councilmember Muller made a motion to approve.)

FAVORABLE - 2ND READING, 1ST ADOPTION

- 09-O-1371 (3) An Ordinance by Councilmember Ceasar C. Mitchell to waive the requirements of Section 138-24(b)(2) of the City of Atlanta Code of Ordinances so as to permit the entry into an encroachment agreement by and between the City of Atlanta and the Trumpet Awards Foundation, Inc., and to authorize the Mayor or her designee to enter into said encroachment agreement, said agreement to allow for the installation of granite markers to be installed into the public sidewalk to become a part of the Civil Rights Walk of Fame within the public right-of-way; and for other purposes.
(Councilmember Young made a motion to approve on condition.)

FAVORABLE ON CONDITION

- 09-O-1373 (4) An Ordinance by Councilmember Kwanza Hall **as substituted by City Utilities Committee** authorizing the Mayor or her designee to enter into an agreement between Hyatt Equities, LLC, HMA Realty Limited Partnership, and ACP Marquis II, LLC and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) 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

ORDINANCES FOR SECOND READING (CONT'D)

- 09-O-1374 (5) An Ordinance by Councilmember Ivory L. Young, Jr. to rename Kennedy Street, NW from Gray Street to Oliver Street to Alexander Street; to waive Section 138-8(c) of the Code Ordinances of the City of Atlanta; and for other purposes.
(To be advertised for a Public Hearing.)
(Councilmember Mitchell made a motion to hold for a public hearing.)

HELD

- 09-O-1380 (6) An Ordinance by Councilmember Howard Shook authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-08-07 (3820 Ivey Road, NW) applicant deposit a dollar amount (\$2,137.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 7; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

E. RESOLUTIONS

- 09-R-1314 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Camken Reynolds, LLC, for FC-4752 Consent Decree Sanitary Sewer Evaluation Survey, Sewer Groups 5 & 6 Contract B, on behalf of the Department of Watershed Management, in an amount not to exceed \$13,888,012.80; that all contracted work shall be charged to and paid from Project Award Task Expenditure Organization and Account Number _____ and Fund Department Organization and Account Number _____ ; and for other purposes.
(Councilmember Mitchell made a motion to hold at request of the Department of Watershed.)

HELD

RESOLUTIONS (CONT'D)

- 09-R-1315 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Compliance EnviroSystems, LLC, for FC-4751 Consent Decree Sanitary Sewer Evaluation Survey, Sewer Groups 5 & 6 Contract A, on behalf of the Department of Watershed Management, in an amount not to exceed \$14,676,113.00; that all contracted work shall be charged to and paid from Project Award Task Expenditure Organization and Account Number _____ and Fund Department Organization and Account Number _____ ; and for other purposes.
(Councilmember Mitchell made a motion to hold at request of the Department of Watershed.)

HELD

- 09-R-1316 (3) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into an agreement by and between the City of Atlanta, the Georgia Department of Transportation ("GDOT") and the Norfolk Southern Railway Company for the Construction (by GDOT) and Subsequent Maintenance (by the City of Atlanta) of the Mitchell Street Bridge located between Spring Street, SW and Elliott Street, SW in Downtown Atlanta; and for the City of Atlanta to enter into an agreement with Norfolk Southern Railway Company ("NS") for the demolition of the Nelson Street Bridge located between Spring Street, SW and Elliott Street, SW in Downtown Atlanta; and for other purposes.
(Councilmember Muller made a motion approve.)

FAVORABLE

- 09-R-1317 (4) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into an agreement between the City of Atlanta and the Park Central Condominium Association, Inc., to allow for the erection of decorative, iron fencing within the public right-of-way; and for other purposes.
(Councilmember Mitchell made a motion to hold at request of the Department of Public Works.)

HELD

RESOLUTIONS (CONT'D)

- 09-R-1318 (5) A Resolution by City Utilities Committee establishing the compensation limits for Parsons/EGM, JV, for FC-7568-03, Program and Construction Management Services for the Quality of Life Bond Program, during the sixth term of the Contract on behalf of the Department of Public Works, in an amount not to exceed \$853,612.02; all contracted work shall be charged to and paid from Fund, Numbers, Department, Function Activity and PATEO Funding Sources listed; and for other purposes.
(Councilmember Archibong made a motion approve.)

FAVORABLE

F. ORDINANCE FOR FIRST READING

- 09-O-1313 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 Budget (2004 Water and Wastewater Bond Fund-5058) in the amount of \$1,005,374.00 to transfer funds from the Capital Project Reserve (5058) for appropriations and to add to appropriation funds for the South River Basin Relief Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

G. 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)

PAPERS HELD IN COMMITTEE (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.)**
- 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)**
- 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.)**
- 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.)**

City Utilities Committee Minutes
July 28, 2009
Page Seven

PAPERS HELD IN COMMITTEE (CONT'D)

- 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.)**
- 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.)**
- 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.)**
- 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.)**
- 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.)**

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.)**
- 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)**
- 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)**
- 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)**
- 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.)**

City Utilities Committee Minutes
July 28, 2009
Page Nine

PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 09-O-0660 (17) 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.)**
- 09-O-0663 (18) 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.)**
- 09-R-0935 (19) 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)**
- 09-R-0936 (20) 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)**

PAPERS HELD IN COMMITTEE (CONT'D)

09-R-1232 (21) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with People TV, Inc. to operate public access on the Cable System in the City Atlanta; for the purpose of providing funding for public access; and for other purposes. **(Held 7/14/09 for further discussions.)**

H. 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 Mitchell requested the Department of Public Works provide updated information on the Gulch Development Project near the Mitchell Street Bridge Area to the committee.

I. ITEM NOT ON THE AGENDA

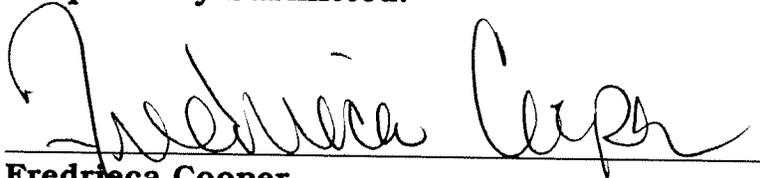
09-R-1385 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Renewal Lease Agreement No 2 with Russell C. McCall an Atlanta Loft Company, LLC for Rental Space located at 236 Forsyth Street, SW, Atlanta, Georgia on behalf of the Department of Watershed Management, in an amount not to exceed \$358,487.62; to be charged to and paid Fund, Department and Organization and Account Numbers listed: and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

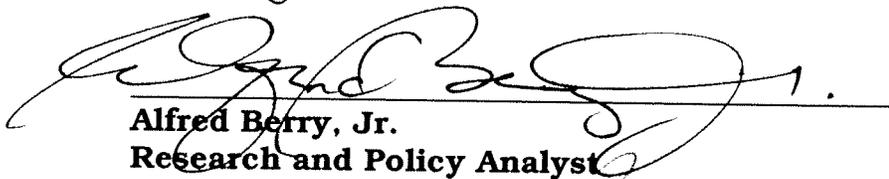
**City Utilities Committee Minutes
July 28, 2009
Page Eleven**

There being no further business to come before the Committee, the meeting was adjourned at 10:05 a.m.

Respectfully Submitted:



**Fredrica Cooper
Legislative Assistant**



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



**The Honorable Ceasar C. Mitchell, Vice-Chair
City Utilities Committee**