

CITY UTILITIES COMMITTEE

MINUTES

SEPTEMBER 15, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, September 15, 2009 at 9:18 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 Clair Muller
The Honorable Ivory L. Young, Jr.
The Honorable Howard Shook
The Honorable Joyce Sheperd
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 George Barnes, Department of Watershed Management; Madelyn Grant and Michelle Wynn, Department of Public Works, Cathy Martin, Department of Procurement, members of the public, press and Council Staff.

Chairwoman Smith called the meeting to order at 9:18 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

CONSENT

- D. ORDINANCES FOR FIRST READING**

09-O-1543 (1) An Ordinance by City Utilities Committee authorizing the acceptance of certain new sanitary sewer utility easements in exchange for the abandonment of certain sanitary sewer utility easements that no longer serve a public purpose ("Easement Exchange"); authorizing the abandonment of certain sanitary sewer and/or storm water utility easements of portion thereof when those easements no longer serve a public purpose ("Easement Abandonment"); authorizing the Mayor or her designee to execute all appropriate legal documents and instruments for an easement abandonment or easement exchange, said easement exchange or easement abandonment being limited to those projects required by the Consent Decrees; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

ORDINANCES FOR FIRST READING (CONT'D)

09-O-1544 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 Budget (2009A Water and Wastewater Bond Fund-5066) in the amount of \$18,500,000.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the Sewer Group 5 & 6 SSES Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

09-O-1545 (3) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 Budget (Renewal & Extension Water and Wastewater Fund-5052) in the amount of \$9,568,524.00 to transfer funds from the General Reserve (5052) for Appropriations and to add to appropriation funds for the Water Tank Painting & Structural Repair Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. COMMUNICATION

09-C-1523 (1) A Communication by Mayor Shirley Franklin appointing **Mr. Marc G. Olsen** 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 Muller made motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 09-O-1494 (1) An **Amended** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 Budget (Water and Wastewater Renewal and Extension Fund-5052) in the amount of \$4,000,000.00 to transfer funds from the Surcharge Projects Reserve for Appropriations; to add to appropriation funds for the Hemphill Finished Water Pump Station Project; and for other purposes.
(Councilmember Smith made a motion approve as amended)

FAVORABLE AS AMENDED (1 ABSTENTION) SHOOK

- 09-O-1644 (2) An Ordinance by Councilmember Natalyn Mosby Archibong authorizing the Mayor or her designee to rename that portion of Boulevard Drive, SE located between Moreland Avenue, SE and Wylie Street, SE to Hosea L. Williams Drive, SE; and for other purposes. **(To be advertised for Public Hearing)**
(Councilmember Smith made a motion hold)

HELD

G. RESOLUTIONS

- 09-R-1546 (1) A Resolution by City Utilities Committee authorizing the Mayor to execute a contract with CP Richards Construction, Inc., for FC-4943A, Annual Contract to Construct, Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$719,044.40 with all contracted work being charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Muller made a motion approve)

FAVORABLE

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RESOLUTIONS (CONT'D)

09-R-1547 (2) A Resolution by City Utilities Committee authorizing the Mayor to execute a multiple contract with Kemi Construction, Inc., for FC-4943B, Annual Contract to Construct, Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$601,666.00 with all contracted work being charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Muller made a motion approve)

FAVORABLE

09-R-1548 (3) A Resolution by City Utilities Committee authorizing the Mayor to execute a contract with Precision 2000, Inc., for FC-4943C, Annual Contract to Construct, Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$1,526,681.67 with all contracted work being charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Muller made a motion approve)

FAVORABLE

09-R-1549 (4) A Resolution by City Utilities Committee authorizing the Mayor to execute a contract with SD&C, Inc., for FC-4943D, Annual Contract to Construct, Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$1,509,810.62 with all contracted work being charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Muller made a motion approve)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 09-R-1550 (5) A Resolution by City Utilities Committee authorizing the Mayor to execute a contract with Tople Construction, Inc., for FC-4943E, Annual Contract to Construct, Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$1,537,098.00 with all contracted work being charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Muller made a motion approve)

FAVORABLE

- 09-R-1552 (6) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Contract Item Agreement with the State of Georgia Department of Transportation for Construction of Water System Improvements in conjunction with construction of the 14th Street Bridge Improvement Project in an amount not to exceed \$190,240.23; all contracted work shall be charged to and paid from PTAE0 Number and Fund, Department Organization and Account Number listed; and for other purposes.
(Councilmember Muller made a motion approve as amended)

FAVORABLE AS AMENDED

- 09-R-1553 (7) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 5 with Stewart Bros., Inc., for FC-3005007849A, Annual Asphalt Resurfacing and Milling Contract, on behalf of the Department of Public Works, in an amount not to exceed \$221,533.91 with all contracted work being charged to and paid from Fund Department and Account Numbers and PTAE0 listed; and for other purposes.
(Councilmember Sheperd made a motion approve)

FAVORABLE

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RESOLUTIONS (CONT'D)

09-R-1554 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 8 for FC-6004007863, Customer Information and Billing System and Off-Site Billing Services, with Systems and Software, Inc. ("S&S") for mobile devices to increase functionality for the Billing and Inspection Division to automate the work order process on behalf of the Department of Watershed Management to increase funding in an amount not to exceed \$305,000.00; all contracted work shall be charged to and paid from 5051 (Water and Wastewater Renewal Fund) 170506 (DWM Technical Support) 5212001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information/Additional Licenses); and for other purposes.
(Councilmember Shook made a motion approve)

FAVORABLE

09-R-1555 (9) A Resolution by City Utilities Committee to correct Resolution Number 09-R-1231 adopted by the City Council on July 20, 2009 and approved by the Mayor on July 28, 2009 by deleting the incorrect Award Number listed in the Project Task Award Expenditure and Organization ("PTAEO") Number and inserting in lieu thereof the correct Award Number; and for other purposes.
(Councilmember Muller made a motion 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)

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1521 (2) 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 (3) 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 (4) 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.)**
- 07-O-2605 (5) 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 (6) 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1000 (7) 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 (8) 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 (9) 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.)**
- 08-O-1217 (10) 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 (11) 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 (12) 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 (13) 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 (14) 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.)**
- 09-O-0214 (15) 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)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 09-O-0660 (16) 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 (17) 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-1317 (18) 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. **(Held 7/28/09 at request of the Department of Public Works.)**
- 09-O-1374 (19) 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.) (Held 7/28/09 for a public hearing.)**
- 09-R-1405 (20) A Resolution by Councilmember Jim Maddox **as amended by City Utilities Committee** authorizing the creation of a Task Force to review the issue of smoke free workplaces, bars, hotels, restaurants and other public places in the City of Atlanta; and for other purposes. **(Amended and held 9/1/09 for further review)**

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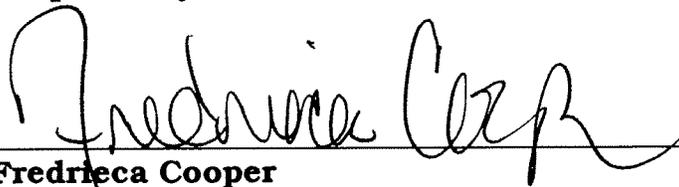
I. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.
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.
3. Councilmember Shook requested the Department of Watershed Management provide the administrative cost to terminate a customer's water service.
4. Councilmember Muller requested the Law Department to look at the Auditor's Recommendations and provide legislation to implement them.

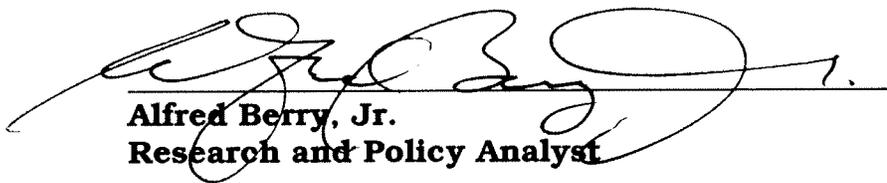
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There being no further business to come before the Committee, the meeting was adjourned at 9:54 a.m.

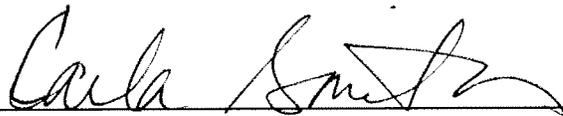
Respectfully Submitted:



**Fredrica Cooper
Legislative Assistant**



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



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