

CITY UTILITIES COMMITTEE

MINUTES

SEPTEMBER 29, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, September 29, 2009 at 9:19 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 Joyce Sheperd
The Honorable Natalyn M. Archibong

The following member was absent:

The Honorable Howard Shook

Others present at the meeting were: Councilmember Jim Maddox; M. Theresa Stewart, Stephanie Grant and Renee Sheperd, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Madelyn 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 9:19 a.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA- ADOPTED AS AMENDED TO ADD ONE ORDINANCE FOR FIRST READING

B. APPROVAL OF MINUTES - APPROVED

C. COMMENTS FROM THE PUBLIC

CONSENT

D. ORDINANCES FOR FIRST READING

09-O-1660 (1) A **Substitute** 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 \$7,188,637.00 to the Capital Project Reserve (5066) for appropriations and to add to appropriation funds for the Supplement Program Management Services Project; and for other purposes.

(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE - TO BE REFERRED TO CITY UTILITIES COMMITTEE

**City Utilities Committee Minutes
September 29, 2009
Page Two**

ORDINANCES FOR FIRST READING (CONT'D)

09-O-1661 (2) A **Substitute** Ordinance by City Utilities Committee to correct Ordinance Number 09-O-1113 adopted by the City Council on July 20, 2009 and approved by the Mayor on July 28, 2009 by deleting the incorrect budget year reference of FY 2009 and inserting in lieu thereof the correct budget year reference FY 2010; and for other purposes.
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE - TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND 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.
(Councilmember Muller made a motion to approve)

FAVORABLE

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.
(Councilmember Smith made a motion to approve)

FAVORABLE

**City Utilities Committee Minutes
September 29, 2009
Page Three**

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1545 (3) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 Budget (2001 & 2004 Water and Wastewater Bond Funds-5057/5058) in the amount of \$20,000,000.00 to transfer funds from the Capital Projects Reserves (5057 & 5058) for Appropriations and to add to appropriation funds for the repairs to the RM Clayton Water Treatment Plant due to flood related damage; and for other purposes.
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

09-O-1719 (4) An Ordinance by Councilmember Ivory L. Young, Jr. to **abandon** the portion of James P. Brawley Drive between Beckwith Street and Martin Luther King, Jr. Drive as marked on Exhibit "A; and more completely described in Exhibit "B"; to **abandon** the portion of Mitchell Street between James P. Brawley Drive and Raymond Street as marked on Exhibit "A" and more completely described in Exhibit "C"; to **abandon** Raymond Street between Martin Luther King, Jr. Drive and Beckwith Street as marked on Exhibit "A" and more completely described in Exhibit "D"; and for other purposes. (To be advertised for a Public Hearing)
(Councilmember Smith made a motion to hold for a Public Hearing)

HELD

City Utilities Committee Minutes
September 29, 2009
Page Four

F. RESOLUTIONS

09-R-0935 (1) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Institutorm Technologies, Inc., for FC-4993, Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract D, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,697,227.50 all contracted work shall be charged to and paid from Project, Award, Task, Expenditure and Organization Number and Fund, Department Organization and Account Number listed; and for other purposes. **(Referred back by Full Council 9/21/09)**
(Councilmember Smith made a motion to hold on substitute)

HELD

09-R-0936 (2) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Institutorm Technologies, Inc., for FC-4994 Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract E, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,986,761.60; all contracted work shall be charged to and paid from Fund, Department and Account Number Project, Award, Task, Expenditure and Organization Number and Fund, Department Organization and Account Number listed; and for other purposes. **(Referred back by Full Council 9/21/09)**
(Councilmember Smith made a motion to hold on substitute)

HELD

09-R-1662 (3) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Cartel Properties-999 Brady LLC for the Rehabilitation and Installation of Sanitary Sewer System Improvements adjacent to proposed developments along Joseph E. Lowery Blvd.; to define the extent of cost participation; to secure payment of the contract sum; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

City Utilities Committee Minutes
September 29, 2009
Page Five

RESOLUTIONS (CONT'D)

09-R-1663 (4) A Resolution by City Utilities Committee authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers-Pump Station and Relief Sewers, on behalf of the Department of Watershed Management, as authorized by Resolution 07-R-2029, to include an additional amount not to exceed \$532,919.00 for additional funding for work associated with the South River Basin Relief Sewers – Pump Station and Relief Sewers, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

09-R-1664 (5) A Resolution by City Utilities Committee authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - North Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0225, to include an additional amount not to exceed \$260,719.00 for additional funding for work associated with the South River Basin Relief Sewers – North Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

City Utilities Committee Minutes

September 29, 2009

Page Six

RESOLUTIONS (CONT'D)

09-R-1665 (6) A Resolution by City Utilities Committee authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - South Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0226, to include and additional amount not to exceed \$211,736.00 for additional funding for work associated with the South River Basin Relief Sewers – South Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PT AEO and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

09-R-1666 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 for FC-6007000029, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, with Alberici Constructors, Inc./Willis Professional Services, for second year funding in an amount not to exceed \$1,010,000.00; all contracted work shall be charged to and paid from Fund, Department, Organization and Account Numbers listed; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

09-R-1667 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, _____, for FC-4995 R. M. Clayton Cogeneration Project on behalf of the Department of Watershed Management, in an amount not to exceed _____ that all contracted work shall be charged to and paid from _____ that all contracted work shall be charged to and paid from _____; and for other purposes.

(Councilmember Smith made a motion to hold)

HELD

City Utilities Committee Minutes
September 29, 2009
Page Seven

RESOLUTIONS (CONT'D)

09-R-1713 (9) A Resolution by Councilmember Cleta Winslow authorizing the Mayor to execute Amendment Agreement No. 1 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 amount not to exceed \$294,708.00; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Smith made a motion to approve)

FAVORABLE

09-R-1718 (10) A Resolution by Councilmember Kwanza Hall authorizing the Mayor or her designee to permanently close Auburn Avenue, NE between Jackson Street and Boulevard, NE; and for other purposes.
(Councilmember Smith made a motion to hold)

HELD

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)**

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)**

City Utilities Committee Minutes
September 29, 2009
Page Eight

PAPERS HELD IN COMMITTEE (CONT'D)

- 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.)**
- 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.)**

**City Utilities Committee Minutes
September 29, 2009
Page Nine**

PAPERS HELD IN COMMITTEE (CONT'D)

- 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.)**
- 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)**

City Utilities Committee Minutes
September 29, 2009
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 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.)**

City Utilities Committee Minutes
September 29, 2009
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 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)**
- 09-O-1644 (21) 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. **(Held 9/15/09 for a Public Hearing) (To be advertised for Public Hearing)**

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.

City Utilities Committee Minutes
September 29, 2009
Page Twelve

REQUESTED ITEMS (CONT'D)

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.

I. ITEM NOT ON THE AGENDA

ORDINANCE FOR FIRST READING

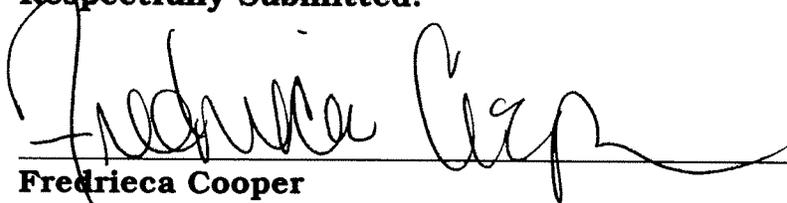
- 09-O-1721 (1) An Ordinance by City Utilities Committee correcting Ordinance Number 09-O-1114 adopted by the City Council on July 20, 2009 and approved by the Mayor on July 28, 2009 by deleting the incorrect budget year reference of FY 2009 and inserting in lieu thereof the correct budget year reference FY 2010; and further amends the dollar amount listed from \$5,200,000.00 to \$8,300,000.00; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

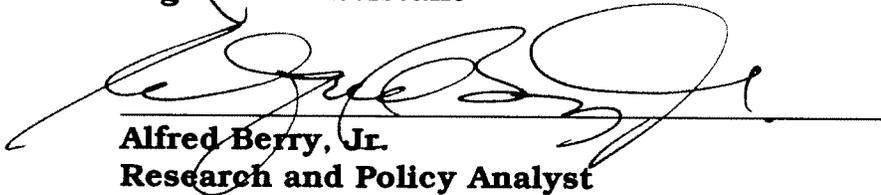
**City Utilities Committee Minutes
September 29, 2009
Page Thirteen**

There being no further business to come before the Committee, the meeting was adjourned at 10:43 a.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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