

CITY UTILITIES COMMITTEE

MINUTES

OCTOBER 13, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, October 13, 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 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: M. Theresa Stewart, Stephanie Grant and Renee Sheperd, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Commissioner Joseph Basista, Madelyn Grant, 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 9:15 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF MINUTES- ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. CURBSIDE RECYCLING PILOT PROJECT - COMM. JOSEPH BASISTA, DEPARTMENT OF PUBLIC WORKS**
- E. ORDINANCES FOR SECOND READING**

09-O-1660 (1) A **Substitute** Ordinance **as amended** 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 \$6,491,011.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the Supplemental Program Management Services Project; and for other purposes.

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

FAVORABLE ON SUBSTITUTE AS AMENDED

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ORDINANCES FOR SECOND 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

09-O-1721 (3) 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.
(Councilmember Smith made a motion to hold.)

HELD

09-O-1812 (4) An Ordinance by Councilmembers Ceasar C. Mitchell and Kwanza Hall **as amended by City Utilities Committee** authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60(a)(1) of the City of Atlanta Code of Ordinances, to allow the Commissioner of the Department of Public Works to issue permits for the placement of banners containing limited advertising in the public right-of-way; and for other purposes.
(Councilmember Mitchell made a motion to approve as amended on condition.)

FAVORABLE AS AMENDED ON CONDITION

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F. RESOLUTIONS

09-R-1729 (1) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 1 with MWH/Khafra, JV, for FC-4343, Program Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$18,491,011.00; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number and PTAE0; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

09-1813 (2) A Resolution by Councilmember Joyce Sheperd **as substituted by City Utilities Committee** authorizing the Mayor to execute an agreement with the PATH Foundation, Inc., ("PATH"), appointing PATH to act as the City's Agent and Construction Manager for the South Town Trail Project to complete the Hipp Street Pedestrian Trail Project in an amount not to exceed \$52,563.00; all work to be charged to and paid from the following Fund, Department and Account Number and PTAE0 funding sources listed; and for other purposes.
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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)**

HELD

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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)**

HELD

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.)**

HELD

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.)**

HELD

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.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

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.)**

HELD

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.)**

HELD

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.)**

HELD

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.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

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.)**

HELD

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)**

HELD

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)**

HELD

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)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

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.)**

HELD

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)**

HELD

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.)**

HELD

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.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

09-R-0935 (18) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Instituform 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.
(Councilmember Smith made a motion to approve on substitute.)

**FAVORABLE ON SUBSTITUTE (1 ABSTENTION)
MITCHELL**

09-R-0936 (19) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Instituform 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.
(Councilmember Smith made a motion to approve on substitute.)

**FAVORABLE ON SUBSTITUTE (1 ABSTENTION)
MITCHELL**

09-R-1317 (20) 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 Smith made a motion to approve.)

FAVORABLE

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PAPERS HELD IN COMMITTEE (CONT'D)

09-O-1374 (21) 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.)**

HELD

09-R-1405 (22) 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)**

HELD

09-O-1644 (23) 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)**

HELD

09-R-1667 (24) 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. **(Held 9/29/09 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

09-R-1718 (25) 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. **(Held 9/29/09 for further review.)**

HELD

09-O-1719 (26) 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) (Held 9/29/09 for a Public Hearing.)**

HELD

H. REQUESTED ITEMS

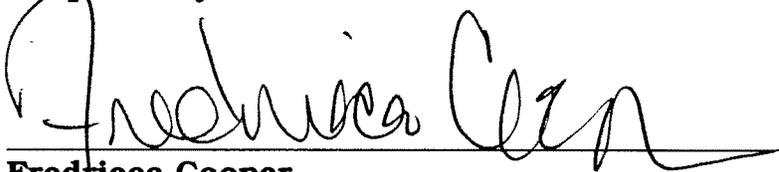
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.
2. Councilmember Mitchell requested the Department of Public Works provide updated information on the Gulch Development Project near the Mitchell Street Bridge Area to the committee.
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.

REQUESTED ITEMS (CONT'D)

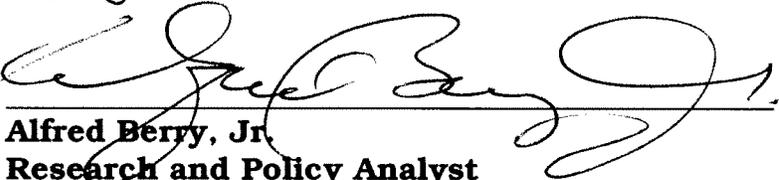
5. Councilmember Archibong made a request to the Department of Watershed Management for the cost of training and travel to Carrollton for Water Employees to receive training and is it possible the training can be done in Atlanta?

There being no further business to come before the Committee, the meeting was adjourned at 10:35 a.m.

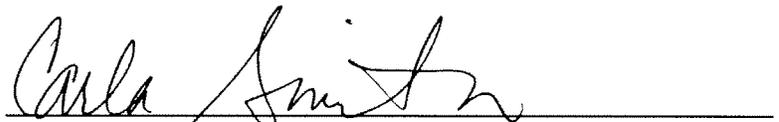
Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Carla Smith, Chair
City Utilities Committee