CITY UTILITIES COMMITTEE

MINUTES

NOVEMBER 10, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 10, 2009 at 9:25 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Clair Muller
The Honorable Ivory L. Young, Jr.
The Honorable Howard Shook

The following members were absent:

The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Natalyn M. Archibong
The Honorable Joyce Sheperd

Others present at the meeting were: M. Theresa Stewart, Law Department; Deputy Commissioners Sheila Pierce and Sally Mills, Department of Watershed Management; Madelyn Grant, Sandra Jennings and Nursef Kedir, Department of Public Works, Cathy Martin, Cathy Martin, Department of Procurement, members of the public, press and Council Staff.

Chairwoman Smith called the meeting to order at 9:25 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. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

09-O-1826 (1) An Ordinance by City Utilities Committee authorizing the Mayor or her designee to **abandon** a portion of Florence Street, NE located between East Avenue, NE and the Dead-End of Florence Street consisting of approximately 0.128 acre and being more specifically described in the attached Exhibit "A," lying and being in Land Lot 19 of the 14th District, Fulton County, Georgia; and for other purposes.
(Public Hearing held 11/10/09)
(Councilmembers Young and Muller made a motion to approve.)

FAVORABLE

PUBLIC HEARINGS (CONT'D)

09-O-1883 (2) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to change the name of Pool Road, NW to Elliott Galloway Way; and for other purposes. **(Public Hearing held 11/10/09)**
(Councilmembers Young and Muller made a motion to approve.)

FAVORABLE

09-O-1885 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to rename Delbridge Street, NW from Sunset Avenue, NW to Walnut Street, NW to Dorothy Bolden Way; and for other purposes. **(Public Hearing held 11/10/09)**
(Councilmembers Young and Muller made a motion to approve.)

FAVORABLE

E. ORDINANCES FOR SECOND READING

09-O-1893 (1) An **Amended** Ordinance by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 with Clayton County Water Authority for the Water Pollution Control Service Agreement for the South River Water Pollution Control Plant Facilities and Transmission System to extend the terms for a period of four (4) months for the purposes of transferring sewage flows from the City of Atlanta Sewer System to the Clayton County Water Authority; to amend the FY 2009 Budget by transferring to and from appropriations the amount $2,107,434.00; to authorize and direct the Chief Financial Officer to pay the Clayton County Water Authority for reimbursement of undepreciated capital costs incurred by the Clayton County Water Authority in an amount not to exceed $2,107,434.00; all to be charged to and paid from Fund, Department Organization and Account Number listed; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1907 (2) An Ordinance by Councilmembers Carla Smith and Kwanza Hall to authorize the Department of Watershed Management to recognize a Storm Water Master Plan for Atlanta-Fulton County Zoo, Inc. to manage the flow of storm water within the Zoo Leasehold; and to authorize all projects to be reviewed under existing storm water regulations until completion of the entire Master Plan; and for other purposes. **(Councilmember Smith made a motion to approve.)**

FAVORABLE

F. RESOLUTIONS

09-R-1909 (1) A Resolution by Councilmember Kwanza Hall authorizing the Mayor or her designee to allow the attachment of a plaque at the base of the "No Goal Is Too High If We Climb With Care And Confidence" sculpture archway located on Poplar Street in the Fairlie-Poplar District; and for other purposes. **(Councilmember Smith made a motion to approve.)**

FAVORABLE

09-R-1925 (2) A **Substitute** Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No 1 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 $334,895.86; 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 on substitute.)**

FAVORABLE ON SUBSTITUTE

RESOLUTIONS (CONT'D)

09-R-1926 (3) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 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 $654,173.78; 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 on substitute.)

FAVORABLE ON SUBSTITUTE

09-R-1927 (4) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 2 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 $794,292.92; 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 on substitute.)

FAVORABLE ON SUBSTITUTE

09-R-1928 (5) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 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 $332,247.78; 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 on substitute.)

FAVORABLE ON SUBSTITUTE

RESOLUTIONS (CONT'D)

09-R-1929 (6) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 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 $748,689.74; 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 on substitute.)

FAVORABLE ON SUBSTITUTE

09-R-1942 (7) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the Department of Interior for a Water Quality and Water Quantity Long Term Monitoring Network to Maintain and Operate Water Monitoring Equipment, on behalf of the Department of Watershed Management, in an amount not to exceed $958,422.00; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number listed; and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

09-R-1943 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate agreement with Excel Electrical/Morgan Constructors JV, for FC-4945, Hemphill WTP Electrical Switchgear Replacement, on behalf of the Department of Watershed Management in amount not to exceed $4,351,000.00; all services contracted for the said work shall be charged to and paid from the listed Fund, Department Organization and Account Number; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

09-R-1944 (9) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter in Renewal Agreement No. 1 with DPS Infrastructure Monitoring Systems, Inc., for FC-3007000053, Annual Contract for Telemetry System Replacement and Upgrades Project, on behalf of the Department of Watershed Management, in an amount not to exceed $500,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number listed; and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

09-R-1945 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 for FC-3007000044, Annual Contract for Pipe Laying with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., JV, to add FY 2010, funding in an amount not to exceed $13,454,190.62; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number; and PATEO; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

09-R-1946 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 11 for FC-6004007863, Customer Information and Billing System and Off-Site Billing Services, with Systems and Software, Inc. ("S&S") to add 24X7 Nortel Network IVR Service and Support, on behalf of the Department of Watershed Management in an amount not to $27,097.66; all contracted work shall be charged to and paid from 5051 (Water and Wastewater Renewal Fund) 170113 (Information Systems) 5213001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information/Additional Licenses); and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

G. ORDINANCE FOR FIRST READING

09-O-1941 (1) An Ordinance by City Utilities Committee to amend the 2010 (Water and Wastewater Renewal and Extension Fund) (5052) Budget, in the amount of $10,000,000.00 by anticipating and appropriating insurance proceeds and future proceeds from Federal Emergency Management Agency (FEMA) and/or Georgia Emergency Management Agency (GEMA) to partially finance repairs to the RM Clayton Water Treatment Plant due to 2009 flood related damage; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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

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

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.)**

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

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

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.)**

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

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

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)**

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

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

PAPERS HELD IN COMMITTEE (CONT'D)

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 2/24/09 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) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2010 (2004 Water and Wastewater – (5058)) Budget, in the amount of $16,746,000.00; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.
(Councilmember Smith made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

09-O-1374 (18) 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

PAPERS HELD IN COMMITTEE (CONT'D)

09-R-1405 (19) 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 (20) 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 (21) 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

09-R-1718 (22) 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

PAPERS HELD IN COMMITTEE (CONT'D)

09-O-1719 (23) 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

09-O-1721 (24) 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. **(Held 9/29/09 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.

2. Councilmember Shook requested the Department of Watershed Management provide the administrative cost to terminate a customer's water service.

3. Councilmember Muller requested the Law Department to look at the Auditor's Recommendations and provide legislation to implement them.

4. Councilmember Mitchell requested the Department of Public Works to give an update on the traffic signalization.

There being no further business to come before the Committee, the meeting was adjourned at 10:22 a.m.

Respectfully Submitted:

Fredrieca Cooper
Legislative Assistant

Alfred Berry, Jr.
Research and Policy Analyst

The Honorable Carla Smith, Chair
City Utilities Committee