

## CITY UTILITIES COMMITTEE

### MINUTES

DECEMBER 1, 2009

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, December 1, 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 Natalyn M. Archibong**  
**The Honorable Howard Shook**  
**The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Clair Muller**  
**The Honorable Ivory L. Young, Jr.**

Others present at the meeting were: M. Theresa Stewart, Lem Ward, Marc Goncher, Stefanie Grant, Renee Shepherd, Law Department; Deputy Commissioners Sheila Pierce, George Barnes and Sally Mills, Department of Watershed Management; Madelyn Grant, James Swope and Nursef Kedir, Department of Public Works, Cathy Martin, Department of Procurement, Greg Pridgeon, Mayor's Office, 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 AGENDA- ADOPTED AS AMENDED TO ADD SIX RESOLUTIONS**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. PUBLIC HEARING - ORDINANCE FOR SECOND READING**

09-O-0214 ( 1) 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. **(Public Hearing held 12/1/09)**  
**(Councilmember Archibong made a motion to hold.)**  
**HELD**

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**E. ORDINANCES FOR SECOND 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 R. M. Clayton Water Treatment Plant due to 2009 flood related damage; and for other purposes.  
**(Councilmember Smith made a motion to hold.)**

**HELD**

09-O-2048 ( 2) An Ordinance by Councilmember Joyce M. Sheperd **as substituted by City Utilities Committee** authorizing the Mayor, on behalf of the Department of Public Works to accept a Safe Kids Grant from Children's Healthcare of Atlanta in the amount of \$10,000.00 for Intersection and Roadway Improvements adjacent to Capitol View Elementary School; and for other purposes.  
**(Councilmember Sheperd made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**F. RESOLUTIONS**

09-R-2039 ( 1) A Resolution by Councilmember Natalyn M. Archibong authorizing the Mayor or her designee to seek a Request For Proposal (RFP) or a Request For Quotes (RFQ) to determine if Methane Gas being produced at the City's four (4) Solid Waste Landfills can be sold to a natural gas provider; and for other purposes.  
**(Councilmember Archibong made a motion to hold.)**

**HELD**

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**RESOLUTIONS (CONT'D)**

09-R-2056 ( 2) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Inland Waters Pollution Control, Inc., for FC-4760 South River Basin Pipe-Bursting on behalf of the Department of Watershed Management, in an amount not to exceed \$6,500,449.45; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number PATEO Number listed; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

09-R-2057 ( 3) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Inland Waters Pollution Control, Inc., for FC-4775 Proctor Creek and Sandy Creek Basins Pipe-Bursting on behalf of the Department of Watershed Management, in an amount not to exceed \$6,068,863.20; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number and PATEO Number listed; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

09-R-2058 ( 4) A Resolution by City Utilities Committee authorizing the Mayor or her designee to execute a Project Framework Agreement between the City of Atlanta and the Georgia Department of Transportation for Design and Construction Services for the Danforth Road Sidewalk Project; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 09-R-2059 ( 5) A Resolution by City Utilities Committee authorizing the Mayor or her designee to execute a Project Framework Agreement between the City of Atlanta and the Georgia Department of Transportation for Design and Construction Services on Fairburn Road at the CSX Railroad; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-R-2060 ( 6) A Resolution by Utilities Committee authorizing the Mayor to execute the First Amendment to Intergovernmental Cost Sharing Agreement for Technical Assistance to accept transfer of funds collected under agreement for River/Lake Management Services; to extend the term the Intergovernmental Cost Sharing Agreement for Technical Assistance; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE (1 NAY) SHOOK**

- 09-R-2061 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to execute a Cooperative Technical Assistance Intergovernmental Cost Sharing Agreement between the City of Atlanta, Cobb County-Marietta Water Authority, DeKalb County and the Atlanta-Fulton County Water Resources Commission ("AFCWRC"), and the Atlanta Regional Commission ("ARC") to fund technical and legal research related to water supply in an amount not to exceed \$3,600,000.00; all contracted work for the base year will not exceed \$1,200,000.00; that all contracted work will be charged to and paid from the listed Fund, Department Organization and Account Numbers; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE (1 NAY) SHOOK**

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**RESOLUTIONS (CONT'D)**

09-R-2151 ( 8) A Resolution by City Utilities Committee authorizing the Mayor to execute the Third Amendment of Agreement for River/Lake Management Services FC-6005008018, to transfer all monies held by the Atlanta Regional Commission in a Pre-Contract Account and Collected under said agreement to the Technical Assistance Account administered by the Atlanta Regional Commission; and for other purposes. **(Councilmember Smith made a motion to approve.)**

**FAVORABLE (1 NAY) SHOOK**

**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)**

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.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 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.)**
- 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.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 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)**
- 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)**

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**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.)**
- 09-O-0660 (15) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Fund 5057)), in the amount of \$12,269,735.21 by transferring funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.  
**(Councilmember Mitchell made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 09-O-1374 (16) 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 (17) 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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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 09-O-1644 (18) 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)**
- 09-R-1667 (19) 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.)**
- 09-R-1718 (20) 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.)**
- 09-O-1719 (21) 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.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

09-O-1721 (22) 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.)**

**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 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.

**I. ITEMS NOT ON THE AGENDA**

**RESOLUTIONS**

09-R-2182 ( 1) A Resolution by City Utilities Committee to authorize the Mayor to enter into agreements with the Georgia Environmental Facilities Authority to refinance on the final maturity dates the Georgia Environmental Facility Authority's Loans to the City of Atlanta Numbered CWSRF 04-003, 05-003 and 06-003; authorizing the Mayor to execute an electronic debit transaction authorization to facilitate repayment of said loan agreements; and for other purposes.  
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**(Councilmembers Shook made a motion to approve.)**

**FAVORABLE**

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**ITEMS NOT ON THE AGENDA (CONT'D)**

09-R-2183 ( 2)  
\*\*\* A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Amendment Agreement Number 6 with Wright-Brown Electric Company, Inc., for FC-3006008004, Installation, Relocation, Removal, and/or Revisions of Pedestrian Signal, Reversible Lane Signals, and or Street Lights and Associated Hardware, for the Barge Road Pedestrian Signal Project, on behalf of the Department of Public Works, in an amount not to exceed \$91,268.25; all contracted work shall be charged to and paid from Various Fund, Department Account and Center Numbers listed; and for other purposes.  
**(Councilmembers Shook made a motion to approve.)**

**FAVORABLE**

09-R-2184 ( 3)  
\*\*\* A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Amendment Agreement Number 3 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 \$192,966.11; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers listed; and for other purposes.  
**(Councilmembers Shook made a motion to approve.)**

**FAVORABLE**

09-R-2185 ( 4)  
\*\*\* A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Amendment Agreement Number 4 with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., Joint Venture, for FC-3007000044, Annual Contract for Pipe Laying, to include the Department of Public Works as a user for Hollywood Road Bridge Replacement Project, in an amount not to exceed \$133,108.61; all contracted work to be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.  
**(Councilmembers Shook made a motion to approve.)**

**FAVORABLE**

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**ITEMS NOT ON THE AGENDA (CONT'D)**

09-R-2188 ( 5)      A Resolution by City Utilities Committee authorizing the  
\*\*\*                      Mayor to enter into an agreement with Player and Company,  
for FC-5011, Annual Contract for Major Electrical Service  
and Repair on behalf of the Department of Watershed  
Management, in an amount not to exceed \$485,850.00; all  
contracted work shall be charged to and paid from Fund,  
Department Organization and Account Number listed; and  
for other purposes.  
**(Councilmembers Shook made a motion to approve.)**

**FAVORABLE**

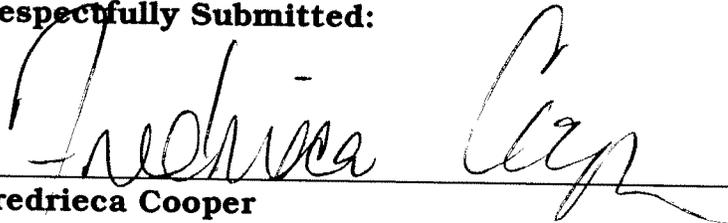
09-R-2189 ( 6)      A Resolution by City Utilities Committee authorizing the  
\*\*\*                      Department of Watershed Management to amend the Task  
Order to Atlanta Services Group, for FC-7619-03B, Citywide  
Annual Contract for Architectural and Engineering Services,  
South River Tunnel and Pumping Station Engineering &  
Management Support During Construction, on behalf of the  
Department of Watershed Management, as authorized by  
Resolution No. 09-R-1231, to include an additional amount  
not to exceed \$450,000.00 for work associated with the  
South River Basin Relief Sewers – Pump Station and Relief  
Sewers, to include the continuation and completion of  
services that include inspection services during the  
construction phase at the South River Tunnel and Pumping  
Station; all contracted work will be charged to and paid from  
PTAEO and Fund, Department Organization and Account  
Numbers listed; and for other purposes.  
**(Councilmembers Mitchell and Shook made a motion to  
approve.)**

**FAVORABLE**

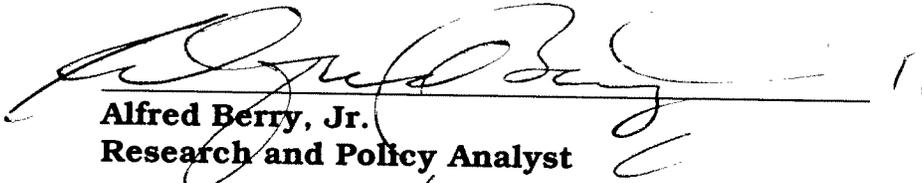
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**There being no further business to come before the Committee, the meeting was adjourned at 10:48 a.m.**

**Respectfully Submitted:**



**Fredriecca Cooper  
Legislative Assistant**



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



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