

CITY UTILITIES COMMITTEE

MINUTES

DECEMBER 14, 2010

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, December 14, 2010 at 10:12 a.m.**, in Committee Room #2. The following members were present:

The Honorable Natalyn M. Archibong, Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Howard Shook
The Honorable Aaron Watson

The following members were absent:

The Honorable Kwanza Hall, Vice-Chair
The Honorable Carla Smith

Others present at the meeting were: M. Theresa Stewart, Stephanie Grant and Renee Sheperd, Law Department; Interim Commissioner Dexter White, Deputy Commissioner Jim Beard, Department of Watershed Management; Commissioner Richard Mendoza, Department of Public Works; Keith Brooks, Office of Procurement; members of the public, press and Council Staff.

Chair Archibong called the meeting to order at 10:12 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 TO RESOLUTIONS AND FIRST READ ORDINANCE**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ORDINANCES FOR SECOND READING**

10-O-2003 (1) An Ordinance by City Utilities Committee authorizing the Mayor or his designee on behalf of the City of Atlanta, to enter into an Encroachment Agreement for non-conforming uses with the Board of Regents of the University System of Georgia, by and on behalf of Georgia State University, owner of real property located at 35 Broad Street, NW for the purpose of permitting an existing basement which presently extends into the public right-of-way; to waive the application fee and yearly inspection fee; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-2071 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (2009A Water and Wastewater Bond Fund-5066) Budget in the amount of \$398,748.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the South Area Consolidation Project; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 10-O-2116 (3) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances so as to increase the number of members and revise the composition of the Water and Sewer Appeals Board; and for other purposes.
(Councilmember Adrean made a motion to hold.)

HELD

- 10-O-2117 (4) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances to increase the amount paid to members of the Water and Sewer Appeals Board in a calendar year; and for other purposes.
(Councilmember Adrean made a motion to hold.)

HELD

ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-2118 (5) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances to allow customers to authorize the Water and Sewer Appeals Board to administratively review the basis of the dispute and decide upon the customer's appeal without requiring the customer to appear before the Board for the hearing; to allow a customer to have a minimum of four members to conduct a hearing or administrative review; and for other purposes.
(Councilmember Adrean made a motion to hold.)

HELD

D. RESOLUTIONS

- 10-R-2146 (1) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor or his designee, to issue a Task Order to Atlanta Services Group, Inc., a Joint Venture, for FC-4906B, Citywide Annual Contract for Architectural and Engineering Services for additional environmental work for the East Atlanta Village Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$16,300.00, with all contracted work being charged to and paid from Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 10-R-2147 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Clark Maintenance and Supplies, Inc., for FC-5114, Annual Contract for Fleet Maintenance Services, on behalf of the Department of Watershed Management in an amount not to exceed \$1,430,000.00; all contracted work will be charged to and paid from the listed Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

10-R-2222 (3) A Resolution by Councilmember Felicia A. Moore authorizing the Mayor to execute Amendment Agreement Number 6 with Tople Construction, Inc., for FC-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, for the Simms Avenue and Johnson Road Curbing Projects, on behalf of the Department of Public Works, in an amount not to exceed \$78,496.20; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

(Councilmember Archibong made a motion to hold at the request of the author.)

HELD

10-R-2223 (4) A Resolution by Councilmember Felicia A. Moore authorizing the Mayor to execute Amendment Agreement Number 5 with SD&C, Inc., for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, for the Bolton Road/Marietta Boulevard Intersection Projects, on behalf of the Department of Public Works, in an amount not to exceed \$64,947.50; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

(Councilmember Archibong made a motion to hold at the request of the author.)

HELD

E. PAPERS HELD IN COMMITTEE

10-O-0939 (1) A **Substitute** Ordinance by City Utilities Committee to amend Chapter 154, Article V. Division IV. Section 297 of the Atlanta City Code of Ordinances Entitled "City of Atlanta Grease Management Ordinance" (§154-297 et seq.) to adjust Wastewater Discharge Permit Fees; and for other purposes.
(Substituted and held 8/31/10) (Public Hearing held 9/21/10)

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

10-O-0940 (2) A **Substitute** Ordinance by City Utilities Committee to amend Article V of Chapter 154 of the Atlanta City Code Entitled "Sewage Disposal" (§154-196 et seq.); to create a fee for the issuance of an Industrial Wastewater Discharge Permit; to create a fee for Annual Inspections; and for other purposes. **(Held 6/15/10) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**

HELD

10-O-1058 (3) An **Amended** Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article III (Water), Division I (Generally) of the City of Atlanta, Code of Ordinances. for the Department of Watershed Management Bureau of Drinking Water to adjust Meter Hydrant Service and Installation Fees; and for other purposes. **(Amended and held 7/13/10) (Public Hearing held 9/21/10)**

HELD

10-O-1059 (4) A **Substitute** Ordinance to amend Section 173 (Charges for Sewers laid by Developer for Use of Development), Division 2 (Assessments), Chapter 154 (Utilities), Article IV (Sewer Construction and Assessments), of the City of Atlanta Code of Ordinances to increase certain fees and impose new fees for Pipe and Structural Inspection, Erosion Control and Construction Inspection, Site Plan Review, and other services; to create a new Section 318 (Application Fees), Article VII (Riparian Buffer Requirements) Chapter 74 (Environment), to impose a new fee for plan review related to Riparian Buffer authorized Encroachment Applications; to create a new Section 521 (Fees), Article X (Post Development Stormwater Management) Chapter 74 (Environment) to impose a new fee for Plan Review related to Post

PAPERS HELD IN COMMITTEE (CONT'D)

Development Stormwater Management; to create a new Section 208 (Fees), Article VI (Flood Area Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Flood Plain Management; to create a new Section 406 (Fees), Article VIII (Wetland Protection Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Wetlands Protection; and for other purposes. **(Held 6/29/10 for a Public Hearing) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**

HELD

- 10-O-1688 (5) An Ordinance by Councilmembers Ivory L. Young, Jr. and Michael J. Bond, authorizing the Mayor or his designee to abandon the portion of James P. Brawley Drive, SW located between Beckwith and Martin Luther King, Jr. Drive, SW on the east and located between Mitchell Street, SW and Beckwith Street, SW on the west and being more specifically described in Exhibit "A" and more completely described in Exhibit "B" lying and being in Land Lot 109 of the 14th District, Fulton County, Georgia; to abandon the portion of Mitchell Street, SW between James P. Brawley Drive, SW and Paschal Boulevard, SW as marked on Exhibit "A" and more completely described in Exhibit "C"; to abandon Student Nonviolent Coordinating Committee ("SNCC") Way, SW between 399.76' south of Mitchell Street, SW and Beckwith Street, SW on the west side and between Mitchell Street, SW and Beckwith Street, SW on the west side as marked on Exhibit "A" and more completely described in Exhibit "D"; and for other purposes. **(To be advertised for a Public Hearing) (Held 9/14/10 for further discussions and a Public Hearing)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1979 (6) An Ordinance by Councilmembers C. T. Martin, Michael J. Bond, Ivory L. Young, Jr., Kwanza Hall, Natalyn M. Archibong, Clea Winslow, Carla Smith, Keisha Lance Bottoms and Joyce Sheperd to rename Cone Street, NW to Xernona Clayton Way, NW to waive Section 138-8(b)(5)c and 138-8(h) of the Code of Ordinances of the City of Atlanta, Georgia; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 11/30/10.) (Held 11/30/10 and requested the Urban Design Commission to review 12/15/10.) (Councilmembers Archibong made a motion to forward with no recommendation)**

FORWARDED WITH NO RECOMMENDATION

- 10-O-1981 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Yolanda Adrean **as amended by City Utilities Committee** authorizing the Mayor or his designee to rename Harris Street, NW located in Downtown Atlanta between Piedmont Avenue, NW and Park Drive, NW in its entirety to John Portman Boulevard, NW; and for other purposes. **(Public Hearing held 11/30/10.) (Amended and held 11/30/10 and requested the Urban Design Commission to review 12/15/10.) (Councilmembers Archibong made a motion to forward with no recommendation)**

FORWARDED WITH NO RECOMMENDATION

- 10-R-2004 (8) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 and to amend the Scope of Services, for FC-4718B, Annual Contract for Small Water Meters for the Bureau of Drinking Water with Kemi Construction, Inc. on behalf of the Department of Watershed Management/Bureau of Drinking Water in an amount not to exceed \$4,000,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes. **(Amended and held 11/30/10 for further review.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-2122 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Amendment Agreement No. 1, for the constructed Wetlands Project Cost Share Agreement located in McDaniel Branch with the United States Army Corps of Engineers ("USACE") to include an additional property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia Parcel Number 14F-0073-LL-074-9 of the 14th (FF) District, Fulton County Georgia, Parcel Number 14F-0073-LL-074-9 in an amount not to exceed \$100,000.00; all contracted work will be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes. **(Held 11/30/10 at department request.)**

HELD

- 10-R-2126 (10) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Stack/NAPM, LLC, a Joint Venture, for FC-4757, South River Basin – East Point Sewer Replacement, on behalf of the Department of Watershed Management, in an amount not to exceed \$14,578,251.74; all contracted work will be charged to and paid from Fund, Department Organization and Account Numbers and PTAEAO Numbers listed; and for other purposes.
(Councilmembers Shook and Martin made a motion to forward with no recommendation on substitute on condition)

FORWARDED WITH NO RECOMMENDATION ON SUBSTITUTE ON CONDITION

H. REQUESTED ITEMS

1. Councilmember Shook made a request to the Law Department to respond to how the City can pursue individuals and businesses that have had water debts with the City and are allowed to open new accounts. What can the City do about it?
2. Councilmember Shook requested a status report on the Auditor's recommendations.

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I. ITEMS NOT ON THE AGENDA

RESOLUTIONS

10-R-2236 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Crowder Construction Company in association with Hazen and Sawyer for FC-4995 R. M Clayton Cogeneration Project on behalf of the Department of Watershed Management, in an amount not to exceed of \$7,694,000.00; that all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers and PTAEAO Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

10-R-2237 (2) A Resolution by City Utilities Committee authorizing the Mayor to encumber Year Three (3) funding in the amount of \$15,634,968.00, for FC-4343, Program Management Services with MWH/Khafra, JV on behalf of the Department of Watershed Management; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

ORDINANCE FOR FIRST READING

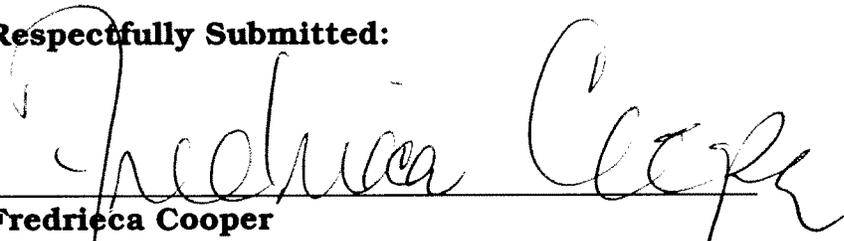
10-O-2238 (1) An Ordinance by City Utilities Committee to correct transposed numbers in the Fund, Department Organization and Account (“FDOA”) Number and the Project Task Award Expenditure and Organization (“PTAEAO”) Number in Ordinance 10-O-1822 adopted by the Atlanta City Council on November 15, 2010 and approved by the Mayor on November 24, 2010; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

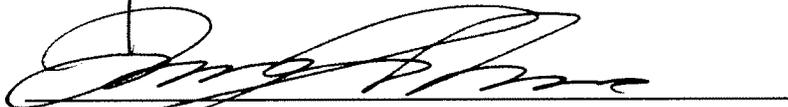
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There being no further business to come before the Committee, the meeting was adjourned at 12:32 p.m.

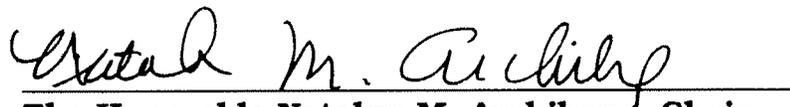
Respectfully Submitted:



**Fredrica Cooper
Legislative Assistant**



**Larry Stokes for Alfred Berry, Jr.
Research and Policy Analyst**



**The Honorable Natalyn M. Archibong, Chair
City Utilities Committee**