

CITY UTILITIES COMMITTEE

MINUTES

MAY 10, 2011

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, May 10, 2011 at 10:15 a.m., in Committee Room #2.** The following members were present:

The Honorable Natalyn M. Archibong, Chair
The Honorable H. Lamar Willis, Vice-Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Howard Shook
The Honorable Carla Smith

The following member was absent:

The Honorable Aaron Watson

Others present at the meeting were: Council President Ceasar C. Mitchell, M. Theresa Stewart, Marc Goncher, Stephanie Grant, Michael Patrick McShane and Roger Bhandari, Law Department; Commissioner Richard Mendoza, Department of Public Works; Dexter White, Interim Commissioner, Deputy Commissioners Jim Beard and Eric Glover, Department of Watershed Management; Keith Brooks, Office of Procurement; members of the public, press and Council Staff.

Chairperson Archibong called the meeting to order at 10:15 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. PRESENTATIONS**

1ST Quarter Review – Department of Public Works, Commissioner Richard Mendoza

- 11-C-0552 (1) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Department of Public Works Regulation of Utility Street Cuts.
(Councilmember Archibong made a motion to accept the Audit Report.)

ACCEPT

REGULAR

E. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

- 11-O-0682 (1) An Ordinance by Councilmembers Aaron Watson, H. Lamar Willis and Michael J. Bond **as substituted by City Utilities Committee abandoning** a portion of Park Avenue West, also known as Foundry Street, NW, between Marietta Street and the CSX Railroad, consisting of approximately 7,987 square feet and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 78 of the 14th District of Fulton County Georgia; waiving certain provisions of the Code of Ordinances; and; and for other purposes.
(Public Hearing, May 10, 2011)
(Councilmember Willis made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 11-O-0684 (2) An Ordinance by Councilmember C. T. Martin **as amended #2 by City Utilities Committee** by to designate the intersections of Baker Street, NW between Piedmont Avenue, NW and Centennial Olympic Park Drive, NW as the "Honorary Xernona Clayton Way and indentifying space in Hardy Ivy Park for the "Xernona Clayton Plaza" and for other purposes.
(Advertised for a Public Hearing, May 10, 2011)
(Councilmember Willis made a motion to approve as amended.

FAVORABLE AS AMENDED

F. ORDINANCE FOR SECOND READING

- 11-O-0616 (1) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 Budget (DWM 1999 Water & Wastewater Bond Fund (5056) Budget, in the amount of \$2,194,388.80 to transfer funds from 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

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G. RESOLUTIONS

- 11-R-0743 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with A & D Painting, Inc., for FC-5213, Annual Contract for Painting and Pressure Washing Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$238,669.22; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number listed; and for other purposes.
(Councilmember Archibong made a motion to hold.)

HELD

- 11-R-0774 (2) A Resolution by Councilmembers Natalyn M. Archibong and Howard Shook 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.
(Councilmember Archibong made a motion to hold.)

HELD

H. 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)

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1058 (2) 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)**
- 10-O-1059 (3) 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 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)**
- 10-O-1688 (4) 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

PAPERS HELD IN COMMITTEE (CONT'D)

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)**

- 10-O-1981 (5) 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 and amended 11/30/10)**
(Councilmember Willis made a substitute motion to forward with no recommendation on condition.)

FORWARDED WITH NO RECOMMENDATION ON CONDITION

- 10-R-2126 (6) 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. **(Referred back by Council 1/3/11) (Held 1/14/11 at the request of the department)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0080 (7) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or his designee to impose a Moratorium on street name changes for six (6) months; and for other purposes. **(Held 1/14/11 at the request of the author)**
- 11-R-0088 (8) A Resolution by Councilmembers Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Cleta Winslow authorizing the Mayor or his designee to enter into an agreement between the City of Atlanta and the Urban Villa Neighborhood Association allowing the installation of a neighborhood sign within a certain right-of-way; and for other purposes. **(Held 1/14/11 for further review)**
- 11-O-0108 (9) An Ordinance by Councilmember Michael J. Bond to designate the intersection of Atlanta Student Boulevard, SW and Walnut Street, SW, Flipper Temple AME Square; and for other purposes. **(To be advertised for a Public Hearing) (Held 2/1/11 for further discussion)**
- 11-R-0617 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 for FC-4084, Valve and Hydrant Asset Assessment Program with WUS-BPA, Joint Venture, LLC, on behalf of the Department of Watershed Management in an amount not to exceed \$9,402,772.00; all contracted work will be charged to and paid from Fund, Department Organization and Account Numbers and PATEO listed; and for other purposes. **(Held 4/26/11 at the department request)**
- 11-C-0668 (11) A Communication by Mayor Kasim Reed appointing **Jo Ann J. Macrina, PE**, to serve as Commissioner of the Department of Watershed Management for the City of Atlanta. This appointment is effective upon Council confirmation. **(Held 4/26/11 until the May 10, 2011 meeting)**

PAPERS HELD IN COMMITTEE (CONT'D)

11-O-0681 (12) An Ordinance by Councilmembers Yolanda Adrean and Howard Shook to waive the term restriction contained in Section 154-26 of the Code of Ordinance stating that members of the Water and Sewer Appeals Board shall not serve more than eight consecutive years, so as to allow the reappointment of present board member Seymour Liebmann; and for other purposes. **(Held 4/26/11 for further review)**

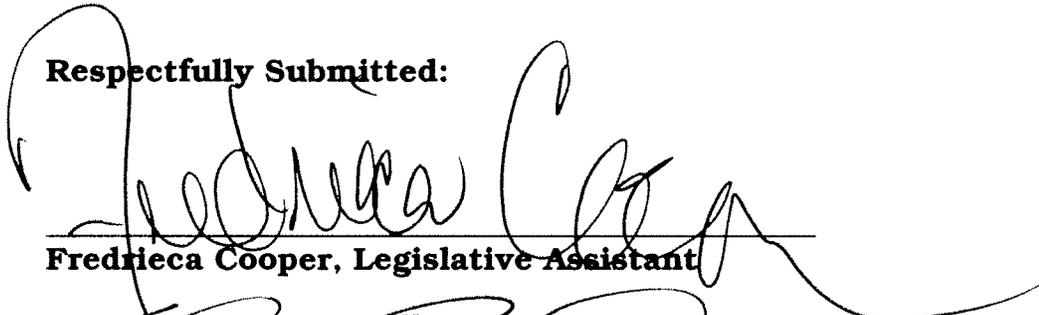
I. REQUESTED ITEMS

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 Martin requested that the committee host a work session regarding the People TV Board.

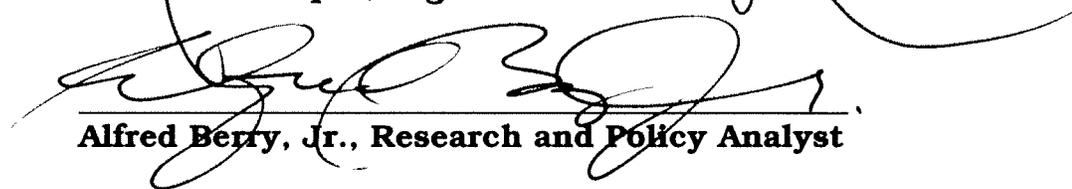
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There being no further business to come before the Committee, the meeting was adjourned at 12:38 p.m.

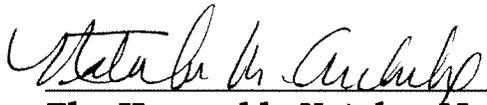
Respectfully Submitted:



Fredrica Cooper, Legislative Assistant



Alfred Berry, Jr., Research and Policy Analyst



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