

**CITY UTILITIES COMMITTEE**

**MINUTES**

**AUGUST 15, 2006**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, August 15, 2006 at 9:45 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Ceasar C. Mitchell, Chair**  
**The Honorable Ivory L. Young, Jr., Vice-Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Howard Shook**  
**The Honorable Clair Muller**  
**The Honorable Carla Smith**

Others present at the meeting were: Marc Goncher, Stephanie Grant, Renee Shepherd and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills and Joseph Basista, Department of Watershed Management; Nursef Kedir, Department of Public Works; Cathy Martin, Office of Procurement; Joe Morris, Office of the Mayor; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:45 a.m. after declaring a quorum present. He then proceeded with the following order of business.

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

**CONSENT**

- C. ORDINANCES FOR FIRST READING**

06-O-1623 ( 1) An Ordinance by City Utilities Committee amending the FY2006-2007 (1999 Water and Wastewater & 2004 Water Wastewater Bond Funds) Budget in the amount of \$18,000,000.00, on behalf of the Department of Watershed Management, to transfer funds from the Reserve for Appropriations for construction costs for the R. M. Clayton Water Reclamation Center – Digester Covers Replacement Project and Utoy Creek, South River and Intrenchment Creek Small Capital Projects; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

06-O-1680 ( 2) An Ordinance by City Utilities Committee authorizing the Mayor or her designee to execute contracts and **Notices to Proceed** for certain Pump and Water Mains Projects; on behalf of the Department of Watershed Management, negotiate with property owners to acquire necessary rights-of-way, easements and other related property interests, including condemnation proceedings; authorizing the City Attorney to proceed with Declarations of Taking Method authorized by O.C.G.A §§22-3-140 and 32-3-4 to acquire title to rights-of-way, easements and other related property interests necessary to complete the water projects; all contracted work shall be charged to and paid from appropriate Land Acquisition and Easement Fund, Account and Center Numbers; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

06-O-1682 ( 3) An Ordinance by City Utilities Committee authorizing the Mayor or her designee to enter into appropriate Railroad Crossing Agreements with CXS Transportation, Inc. and Norfolk Southern Railway Company for certain water projects, on behalf of the Department of Watershed Management; to be charged to and paid from appropriate project easement Fund, Account and Center Numbers; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

06-O-1683 ( 4) An Ordinance by City Utilities Committee amending the FY2006-2007 (1999 Water and Wastewater Fund) Budget in the amount of \$38,130,839.18, to transfer funds remaining from completed, realigned or discontinued projects to the Reserve for Appropriations Account, on behalf of the Department of Watershed Management; and for other purposes.

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**ORDINANCES FOR FIRST READING (CONT'D)**

- 06-O-1685 ( 5)     An Ordinance by City Utilities Committee authorizing the City of Atlanta to anticipate funds for the Care and Conserve Program, on behalf of the Department of Watershed Management, in the amount of \$700,000.00; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**D.   ORDINANCES FOR SECOND READING**

- 06-O-1470 ( 1)     An Ordinance by City Utilities Committee to amend the Fiscal Year 2006-2007 (2001 Water and Wastewater Bond Fund) Budget in the amount of \$4,000,000.00 to transfer funds from the Reserve for Appropriations for construction services for the Greensferry Sewer Separation Project (Transmission Main - Hemphill South), on behalf of the Department of Watershed Management; and for other purposes.

**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

- 06-O-1471 ( 2)     An Ordinance by City Utilities Committee to amend the Fiscal Year 2006-2007 (2001 Water and Wastewater Bond Fund) Budget in the amount of \$150,000.00 to transfer funds from the Reserve for Appropriations to Facilities other than Buildings for the execution of an Agreement with State of Georgia Department of Transportation, for Water Facilities Services on behalf of the Department of Watershed Management; and for other purposes.

**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 06-O-1472 ( 3) An Ordinance by City Utilities Committee to amend the Fiscal Year 2006-2007 (2001 Water and Wastewater Revenue Fund) Budget on behalf of the Department of Watershed Management, in the amount of \$1,361,900.00 to transfer funds from the Designated Reserve for Appropriations for the Water Utilities Locator Services Project; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 06-O-1605 ( 4) An Ordinance by Councilmember Felicia A. Moore authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-05-36 (900 Center Hill) applicant deposit a dollar amount (\$5,230.00) equal to the value of the required Fund Account for District 9; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**E. RESOLUTIONS**

- 06-R-1607 ( 1) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** 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 \$19,000.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the

**RESOLUTIONS (CONT'D)**

Tanyard Creek CSO on July 15, 2006 and August 10, 2006; Clear Creek CSO on July 22, 2006; and North Avenue CSO Facility on August 3, 2006 and August 10, 2006; pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; all penalties will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue) 529017 (Property/Liquidation) Q30001 (Deputy Commissioner, Treatment & Collection); identify the source of funding; and for other purposes.

**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

06-R-1613 ( 2) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter an Agreement with Desmear Systems, Inc., for FC-3006007927, Construction Services for Hollywood Road Streetscape Project, on behalf of the Department of Public Works in an amount not to exceed \$330,909.00; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.

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

**FAVORABLE AS AMENDED**

06-R-1614 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with United Consulting, for FC-7449-02B, Citywide Annual Contract for Geotechnical and Engineering Testing and Investigation Services for Underground Storage Tank Site Assessment, 14<sup>th</sup> Street Facility and Chattahoochee Water Treatment Plant, on behalf of the Department of Watershed Management, in an amount not to exceed \$971,469.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 524001 (Consultant/Professional Services) Q67J051494DA (Soil Remediation & Site Closure); and for other purposes.

**(Councilmember Shook made a motion to forwarded on condition.)**

**FAVORABLE ON CONDITION**

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**RESOLUTIONS (CONT'D)**

- 06-R-1615 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group, JV, for FC-7619-03B, Annual Contract for Architectural and Engineering Services for Chattahoochee/Hemphill Water Treatment Plants Phase II – Various Improvements, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,198,731.00; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 06-R-1624 ( 5) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter an Agreement with Rycars Construction, LLC., for FC-3006007934, Roof Replacement, on behalf of the Department of Watershed Management, in an amount not to exceed \$541,900.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 573001 (Facility Buildings) Q61J0106999 (Facility Roofing Wastewater Annual); and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 06-R-1625 ( 6) A Resolution by City Utilities Committee authorizing the Mayor to enter a Renewal Agreement Number 2 with Screening Systems International, Inc., for FC-6004007806, Annual Contract for Traveling Screens Services and Repairs, on behalf of the Department of Watershed Management, in an amount not to exceed \$250,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q64001 (Plant Maintenance); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 06-R-1626 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Shaw Environmental, Inc./AIM Partner, PLC, JV, for FC-7619-03F, Annual Contract for Architectural and Engineering Services for CSO Monitoring Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$311,980,00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Renewal & Extension Fund) 524001 (Consultant/Professional Services) Q39001 (Combined Sewer Overflow); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 06-R-1627 ( 8) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with CH2M Hill, Williams, Russell and Johnson, Joint Venture, for FC-7619-03C, Annual Contract for Architectural and Engineering Services for Watershed Protection Plan Phase Three, on behalf of the Department of Watershed Management, in an amount not to exceed \$78,709,00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q83001 (Industrial Inspection & Monitoring); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE (1 ABSTENTION) YOUNG**

**RESOLUTIONS (CONT'D)**

06-R-1628 ( 9) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Bindley, Pieters & Associates, JV, for FC-7619-03A, Annual Contract for Architectural and Engineering Services for Water Utility Location Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,361,900.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Sewer Fund) 524001 (Consultant/Professional Services) Q42001 (Engineering Planning and Design); and for other purposes.

**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

06-R-1629 (10) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with CH2M Hill/Williams, Russell and Johnson, Joint Venture, for FC-7619-03C, Annual Contract for Architectural and Engineering Services for Utoy Creek WRC Maintenance and Storage Buildings and Selig Building, on behalf of the Department of Watershed Management, in an amount not to exceed \$332,950.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.

**(Councilmember Shook made a motion to approve.)**

**FAVORABLE (1 ABSTENTION) YOUNG**

06-R-1634 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter an Agreement with the State of Georgia Department of Transportation, for Lowering and Raising Water Facilities for Maintenance Milling and Resurfacing Projects of the Department of Transportation on behalf of the Department of Watershed Management, in an amount not to exceed \$150,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Wastewater Renewal & Extension Fund) 574001 (Facilities other than Buildings) Q65J08039999 (Water Mains, Various Locations); and for other purposes.

**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 06-R-1679 (12) A Resolution by City Utilities Committee authorizing the Mayor to execute a Local Government Project Agreement between the City of Atlanta and the Georgia Department of Transportation for Design Services of Various Sidewalks and Bicycle/Pedestrian Facilities; and for other purposes. **(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

**F. PAPERS HELD IN COMMITTEE**

- 06-O-0306 ( 1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**

**HELD**

- 06-O-0472 ( 2) An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**

**HELD**

- 06-O-0560 ( 3) An Ordinance by Councilmember Kwanza Hall to **abandon** the following portion of right-of-way, being more specifically described in the legal description attached as Exhibit "A" and the survey attached as Exhibit "B" (1) Alexander Street between Luckie Street and Marietta Street, said property lying and being in Land Lot 79 of District 14, Fulton County, Georgia; and for other purposes. **(Public Hearing held 3/14/06) (Held 3/14/06 at the request of the Department of Public Works while questions to GDOT are being addressed.)**

**HELD**

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

- 06-R-0563 ( 4) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

**HELD**

- 06-O-0937 ( 5) An Ordinance by Councilmember Clair Muller 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. **(Held 4/25/06 for further review by the Department of Watershed Management.)**

**HELD**

- 06-O-1367 ( 6) An Ordinance by Councilmember Felicia A. Moore **as substituted by City Utilities Committee** to repeal Chapter 2, Article IX, Division 3, Section 2-973 (Entitled, "Billing and Collection by Private Contractor Responsible for the Operation and Maintenance of the City's Water System.") of the Code of Ordinances of the City of Atlanta so as to remove obsolete text relating to the operation and maintenance of the City's water system by a private contractor; or by the Department of Water or Commissioner of Water and to amend other portions of Chapter 154 to correct minor errors and remove other obsolete references; to repeal conflicting ordinances; and for other purposes. **(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

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

06-O-1454 ( 7)    An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

**HELD**

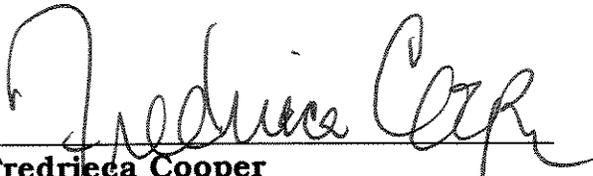
06-O-1573 ( 8)    An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**

**HELD**

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**There being no further business to come before the Committee, the meeting was adjourned at 11:21 a. m.**

**Respectfully Submitted:**

  
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**Fredricea Cooper  
Legislative Assistant**

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

  
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**The Honorable Ceasar C. Mitchell, Chair  
City Utilities Committee**