

CITY UTILITIES COMMITTEE

MINUTES

NOVEMBER 14, 2006

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 14, 2006 at 10:00 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 Clair Muller
The Honorable Carla Smith
The Honorable Howard Shook

Others present at the meeting were: Councilmembers Anne Fauver and Jim Maddox, Linda DiSantis, City Attorney, Roger Bhandari, Renee Shepherd, Stefanie Grant, Marc Goncher and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills and Joseph Basista, Department of Watershed Management; Deputy Commissioner Donna Owens, Nursef Kediri, Department of Public Works; Hubert Owens, Larry Scott, Contract Compliance; public and Council Staff.

Chairman Mitchell called the meeting to order at 10:00 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE ORDINANCE FOR FIRST READING AND A BRIEF UPDATE ON ALLEYS AND QUIT CLAIM DEEDS, LINDA DISANTIS, CITY ATTORNEY
- B. APPROVAL OF MINUTES - APPROVED
- C. A FOLLOW-UP REPORT ON THE PROCESS FOR ENFORCING THE SIGN ORDINANCE - DPW AND CITY SOLICITOR
- D. COMMUNICATIONS

06-C-2385 (1) A Communication by Mayor Shirley Franklin re-appointing **Ms. Mary L. Floyd** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Mitchell made a motion to hold.)

HELD

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COMMUNICATIONS (CONT'D)

- 06-C-2386 (2) A Communication by Councilmember Clair Muller appointing **Mr. Craig Pendergrast** to serve as a member of the Keep Atlanta Beautiful Board. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Muller made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

E. ORDINANCES FOR SECOND READING

- 06-O-2471 (1) An Ordinance by Councilmember Howard Shook 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-06-45 (588 Loidans Drive, NW) applicant deposit a dollar amount (\$4,120.00) equal to the value of the required Fund Account for District 7; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 06-O-2476 (2) An Ordinance by Councilmembers Howard Shook and Anne Fauver to amend Sections 138-14(d) and 138-103 of the Code of Ordinances so as to implement a sidewalk inspection, repair and notice process pertaining to damaged sidewalks which abut the public right-of way; and for other purposes.
(Councilmember Mitchell made a motion to hold.)

HELD

- 06-O-2481 (3) An Ordinance by Councilmember Joyce M. Sheperd 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-05-90 (2500 & 2506 Perkerson Road, SW) applicant deposit a dollar amount (\$3,400.00) equal to the value of the required Fund Account for District 12; and for other purposes.
(Councilmember Smith made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-2487 (4) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** 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-06-22 (601 Peachtree Battle Ave., NW sidewalk installation only) applicant deposit a dollar amount (\$18,207.00) equal to the value of the required Fund Account for District 8; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 06-O-2490 (5) An Ordinance by Councilmember Clair Muller to change the name of Bishop Street, between Northside Drive and Howell Mill Road, to 17th Street; and for other purposes. **(To be advertised for a Public Hearing.)**
(Councilmember Muller made a motion to file.)

FILE

F. RESOLUTIONS

- 06-R-2411 (1) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to-Proceed** with ATC Associates, Inc./Corporate Environmental Risk Management, JV, for FC-7449-02A, Citywide Annual Contract for Geotechnical and Environmental Engineering, Testing and Investigation Services for Sanitary Sewer Rehabilitation Program, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,182,708.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Prof. Services) Q38I02739999 (Sewer Group I Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 06-R-2412 (2) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to-Proceed** with United Consulting, for FC-7449-02B, Citywide Annual Contract for Geotechnical and Environmental Engineering, Testing and Investigation Services, for Sanitary Sewer Rehabilitation Program, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,326,956.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J27 (2001 Water & Wastewater Bond Fund) 524001 (Consultant/Prof. Services) Q38I02739999 (Sewer Group I Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2413 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 with Jordan, Jones & Goulding, Inc./Delon Hampton & Associates, Chartered Engineers/Hatch Mott-MacDonald, Inc.- JV, for FC-7488-02, Engineering Design Services for Combined Sewer Overflow ("CSO") Storage Tunnel Facilities West Area, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,217,117.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q38I026794DA (CSO-West Tunnels); and for other purposes.
(Councilmember Shook made a motion to approve.)

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RESOLUTIONS (CONT'D)

06-R-2414 (4) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., a Joint Venture, for FC-7712-04A, Annual Pipelaying Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$5,500,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q65J08039999 (Water Mains, Various Locations); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

06-R-2415 (5) A Resolution by City Utilities Committee authorizing the Mayor to execute an Intergovernmental Cost Sharing Agreement for Technical Assistance regarding water supply between the City of Atlanta, Cobb County-Marietta Water Authority, Dekalb County and the Atlanta-Fulton County Water Resources Commission (Collectively "Participants"), and the Atlanta Regional Commission ("ARC") to fund work in furtherance of the Regional Technical efforts related to water supply on behalf of the Department of Watershed Management in an amount not to exceed \$1,800,000.00; all contracted work for the base year will not exceed \$600,000.00; 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

06-R-2416 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Electrical Testing, Inc., for FC-6006007923, Annual Contract for Electrical Testing and Inspection Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$343,980.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Serv/Repair/Maint Cont.) Q64001 (Plant Maintenance); and for other purposes.
(Councilmember Shook made a motion to approve.)

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RESOLUTIONS (CONT'D)

06-R-2417 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Player and Company, for FC-6004007825, Annual Contract for Major Electrical Repairs, on behalf of the Department of Watershed Management, in an amount not to exceed \$500,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Serv/Repair/Maint Cont.) Q64001 (Plant Maintenance); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-2418 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Player and Company, for FC-6004007826, Annual Contract for Major Mechanical Repairs, on behalf of the Department of Watershed Management, in an amount not to exceed \$700,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Serv/Repair/Maint Cont.) Q64001 (Plant Maintenance); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

06-R-2419 (9) A Resolution by City Utilities Committee authorizing the Mayor or designee to encumber Phase Three (3) funding in the amount of \$30,580,426.05 for the agreement with Ruby-Collins/Reynold/EPR, a Joint Venture, for FC-3005007844, Greensferry Combined Sewer Basin Project, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Smith made a motion to approve.)

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RESOLUTIONS (CONT'D)

06-R-2420 (10) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor or designee to encumber Phase Four (4) funding in the amount of \$35,062,764.00 for the agreement with Atlanta CSO Constructor, JV, for FC-7646-03, West Area CSO Storage Tunnel and Pumping Station, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Councilmember Smith made a motion to approve on substituted.)**

FAVORABLE ON SUBSTITUTE

06-R-2421 (11) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with American Water Services Underground Infrastructure, Inc. for FC-3006007919, Annual Contract for Sewer Group One Rehabilitation Phase 1 Cured-in-Place-Pipe-Contract A, on behalf of the Department of Watershed Management, in an amount not to exceed \$5,008,207.40; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group I Rehabilitation); and for other purposes. **(Councilmember Shook made a motion to approve as amended.)**

FAVORABLE AS AMENDED

06-R-2422 (12) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with American Water Services Underground Infrastructure, Inc., for FC-3006007920, Annual Contract for Sewer Group One Rehabilitation Phase 1 Cured-in-Place-Pipe-Contract B, on behalf of the Department of Watershed Management, in an amount not to exceed \$5,579,425.56; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group I Rehabilitation); and for other purposes. **(Councilmember Shook made a motion to approve as amended.)**

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

- 06-R-2423 (13) A Resolution by City Utilities Committee authorizing the Mayor or designee to encumber Phase Three (3) funding in the amount of \$46,094,244.89 for the agreement with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., a Joint Venture, for FC-3005007840, McDaniel Combined Sewer Basin Project, on behalf of the Department of Watershed Management; 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.)

FAVORABLE

- 06-R-2424 (14) A Resolution by City Utilities Committee authorizing the Mayor or designee to encumber Phase Three (3) funding in the amount of \$31,287,578.19 for the agreement with Ruby-Collins/Reynold/EPR, a Joint Venture, for FC-3005007843, Stockade Combined Sewer Basin Project, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 06-R-2482 (15) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor or her designee to enter into an agreement with Housing Group Partners, LLC ("Housing Group"), providing for the non-standard location of water meters on private property located in the City of Atlanta, Fulton County, Georgia, to which the City provides water services; and for other purposes.
(Councilmember Mitchell made a motion to hold.)

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RESOLUTIONS (CONT'D)

- 06-R-2486 (16) A Resolution by Councilmember Ceasar C. Mitchell 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 Mitchell made a motion to hold.)

HELD

G. ORDINANCE FOR FIRST READING

- 06-O-2409 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the Fiscal Year 2007 (Water and Wastewater Revenue Fund) Budget, on behalf of the Department of Watershed Management, in the amount of \$1,500,000.00 to transfer funds from the Designated Reserves for Appropriations for the Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

H. 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 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.)**
- 06-R-0563 (3) 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.)**
- 06-O-0937 (4) 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.)**
- 06-O-1454 (5) 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.)**
- 06-O-1573 (6) 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.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1947 (7) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department.)**
- 06-O-2048 (8) An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to amend the City of Atlanta's Code of Ordinances Section 138-5 Alleys, so as to define the ownership of the Alleys and maintenance thereof of the Alleys in the City of Atlanta, to immediately begin the defined statutory procedure for abandoning the City of Atlanta's interest in alleys; to request Fulton County to amend the County's Tax Map and to properly adjust all property within Fulton County to properly access property value and taxes and that millage rate reduction would occur equal to the tax increase; and for other purposes. **(Held 9/18/06 at the request of Councilmember Young)**
(Work session held 10/4/06)
- 06-O-2057 (9) An Ordinance by Councilmember Mary Norwood amending the City of Atlanta's Code of Ordinances by inserting language in the Solid Waste Section that will effectively deal with litter violators; and for other purposes. **(Held 9/18/06 at the request of the Law Department for review of the penalty section)**
- 06-R-2297 (10) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with ADS Environmental Services for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,581,550.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J26 (1999 Water and Wastewater Bond Fund) 524001 (Consultant/Prof. Services) Q38I02239999 (General Sewer Improvements); and for other purposes. **(Amended and held 10/31/06 at the request of the department.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

06-R-2299 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the United States Army Corps of Engineers for a project to analyze and map flood prone areas associated with storm water runoff within the Combined Sewer Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$333,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q38I029294DA (CSO Cost Sharing); and for other purposes. **(Held 10/31/06 at the request of the department.)**

I. APPRAISAL

(1) Appraisal of the **abandonment** of the Twelve Foot (12') Strip of Land, located at Avondale Avenue consists of 3 Tracts the Appraiser has estimated fair market value to be which indicates below:

<u>Tract</u>	<u>Area</u>	<u>Price Per Acre</u>	<u>Fair Market Value</u>
A-2	0.1337	\$300,000.00	\$40,110.00
B-2	0.1453	\$300,000.00	43,590.00
C-2	0.1014	\$300,000.00	30,420.00

(Councilmember Smith made a motion to accept the appraisal.)

J. REQUESTED ITEMS

1. Councilmember Shook wanted to know from the Law Department, why claims submitted by the residents of the Allied property (Mean Street) were being denied?

REQUESTED ITEMS (CONT'D)

2. Councilmember Muller requested the Department of Watershed Management to discuss storm water runoff in flood prone areas where the sewers (sanitary and storm water) have been separated, she also would like the department to identify any grant funds that maybe available for this purpose.

K. ITEMS NOT ON THE AGENDA

ORDINANCE FOR FIRST READING

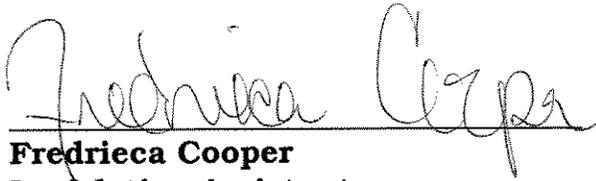
- 06-O-2502 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Canterbury Road, NE located between Pinetree Road and Dead-End of Canterbury Road consisting of 0.5062 acres, more or less and being mor specifically described in the attached Exhibit "A" lying and being in Land Lot 47 of the 17th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing 11/28/06 at 9:30 a.m.)**

TO BE REFERRED TO CITY UTILITIES COMMITTEE

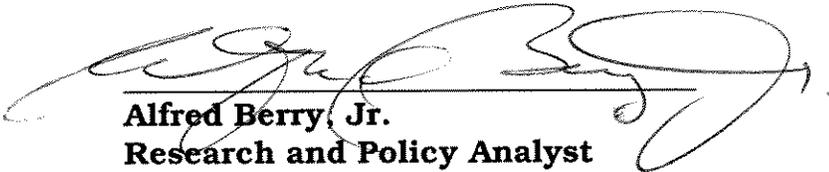
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There being no further business to come before the Committee, the meeting was adjourned at 12:03 p. m.

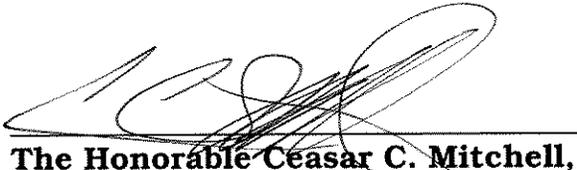
Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



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



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