

**CITY UTILITIES COMMITTEE**

**MINUTES**

**JULY 29, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 29, 2008 at 9:29 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 Clair Muller**

The following members were absent:

**The Honorable Howard Shook**  
**The Honorable Ivory L. Young, Jr.**

Others present at the meeting were: Theresa Stewart, Saul Schultz, Renee Sheperd and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioner George Barnes, Department of Watershed Management; James Swope, John Yang, Sandy Jennings and Michelle Wynn, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:29 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. ORDINANCES FOR SECOND READING**

08-O-1433 ( 1) A **Substitute** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Bond Fund) in the amount of \$2,711,884.00 to transfer fund for the Capital Projects Reserve for appropriations and to add to appropriation funds for H.T.P., Reservoir Expansion; and for other purposes.

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

**FAVORABLE ON SUBSTITUTE**

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

08-O-1459 ( 2) An Ordinance by City Utilities Committee to amend Ordinance 06-O-1573, adopted by the City Council on May 5, 2008 and approved by the Mayor on May 13, 2008, to correctly identify the present owners of the Atlanta Hilton Hotel and the Atlanta Marriott Marquis Hotel; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

08-O-1547 ( 3) An Ordinance by Councilmembers Carla Smith, Howard Shook and Clair Muller to amend and correct Sections 5 and 6 of Ordinance No. 08-O-0480 for the purpose of correcting the land acquisition authorization terms pertaining to the settlement of certain negotiated acquisitions without further authorization from Council for the Sandy Creek Basin Projects, Proctor Creek Basin Projects, South River Basin Projects, Sugar Creek Basin Projects, Peachtree Creek Basin Projects, Utoy Creek Basin Projects and Intrenchment Creek Basin Projects(collectively, "Projects"); and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**E. RESOLUTIONS**

08-R-1474 ( 1) A Resolution by City Utilities Committee correcting Resolution Number 08-R-1276 to state the complete name of the contractor as Parsons/EGM, PCMT for FC-7568-03, Program and Construction Management Services for the Quality of Life Bond Program and to ratify the previous resolution authorizing the Mayor to enter into Renewal Agreement No. 1; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 08-R-1475 ( 2)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to execute a Lump Sum Utility Agreement between the City of Atlanta and the Georgia Department of Transportation for the removal and relocation of facilities in conflict with highway construction for Project #CSSTP-0007-00(072), Clear Safety Zone Project, in an amount not to exceed \$75,827.00, with all contracted work being charged to and paid from Various Fund, Department and Account Number: 2501 (Intergovernmental Fund) 130304 (DPW Traffic Signals) 5999999 (Projects and Grants Budget-Summary) 210296 (Clear Zone Safety Project) XXXXX (Georgia Department of Transportation) and PATEO Funding Source; 13210296/1\*\*/2501\*\*\*\*/5\*\*\*\*\*/COA; and for other purposes.  
**(Councilmember Muller made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 08-R-1476 ( 3)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters and Associates, a Joint Venture, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for Right-of-Way Acquisition and Construction Administration Services for the Danforth Road Sidewalk Project on behalf of the Department of Public Works, in an amount not to exceed \$299,055.60; all contracted work shall be charged to and paid from Fund Department and Account Number; and PTAE0 Funding Sources; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 08-R-1477 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Alberici Constructors/Willis Professional, JV, for FC-4372-08, Chattahoochee-Hemphill Water Treatment Plant PH II Various Improvements, on behalf of the Department of Watershed Management, in an amount not to exceed \$19,050,000.00; all contracted work shall be charged to and paid from Various Fund Department Organization Account and Project Task Account Expenditure Organization Numbers listed; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 08-R-1478 ( 5) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with MWH/Khafra, JV, for FC-4343, Program Management Services-Clean Water Atlanta Initiative, on behalf of the Department of Watershed Management, in an amount not to exceed \$19,188,627.00; all contracted work shall be charged to and paid from Various Fund Department Organization and Account Numbers; and for other purposes.  
**(Councilmember Archibong made a motion to hold.)**

**HELD**

- 08-R-1479 ( 6) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 with Advanced Disposal Services, Inc., for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, by an amount not to exceed \$800,000.00; all contracted work will be charged to and paid from Fund, Department, Account and Activity Number: 5401 (Solid Waste Service Revenue Fund) 130213 (Recycling and Collection), 5212001 (Consultant/Prof. Services), 454000 (Recyclable Collection) or successor accounts; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

08-R-1480 ( 7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 with Precision 2000, Inc., for FC-3006008001, Construction Services for Seven Unpaved Streets, on behalf of the Department of Public Works in an amount not to exceed \$260,737.83; all contracted work will be charged to and paid from Fund, Department and Account Number: 3502 (General Gov't Capital Fund) 130308 (DPW Transportation Design) 101257 (Freemont Road) and PTAE0 Numbers: 13101257/101/350291795/5414002/COA; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

08-R-1481 ( 8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 with Desmar Systems, Inc., FC-3006007928, Perry Blvd. Streetscape Project to add additional Streetscape Services for North Highland Streetscape Project Phase II, on behalf of the Department of Public Works in an amount not to exceed \$437,515.00; all contracted work being charged to and paid from Fund, Department and Account Number: 3138 (2008 Quality of Life Bond Fund) 130308 (DPW Transportation Design) 102534 (North Highland) and PTAE0 Numbers: 13102534/102/313821776/5414002/COA; and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE**

08-R-1482 ( 9) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 2 with Republic Services of Georgia, LP, for FC-7650-04B, Annual Contract for Disposal of Municipal Solid Waste Services, to add the Department of Watershed Management, in an amount not to exceed \$729,709.00; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and to add additional funding for the Department of Public Works in an amount not to exceed

**RESOLUTIONS (CONT'D)**

\$3,500,000.00; all contracted work will be charged to and paid from Fund, Department Account and Activity Number: 5401 (Solid Waste Services Revenue Fund) 130213 (Recycling and Collection), 5212001 (Consultant/Prof. Services), 4540000 (Recyclable Collection) or successor accounts; and for other purposes.

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

**FAVORABLE**

08-R-1483 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Shaheed's Construction, for FC-3007000005, Cascade/Mays Streetscape Project on behalf of the Department of Public Works for time only at no additional cost to the City; and for other purposes.

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

**FAVORABLE**

08-R-1484 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Clark Maintenance & Supplies, Inc. d/b/a Clark Truck Repair, for FC-6005007949, Annual Contract for Fleet Maintenance Services, on behalf of the Department of Watershed Management in an amount not to exceed \$1,000,000.00; all contracted work shall be charged to and paid from Fund Department, Organization and Account Number: 5051 (Water and Wastewater Revenue Fund) 170407 (DWM Drinking Water Facility Maintenance) 5222002 (Repair & Maintenance-Equipment) 4430000 (Treatment); and for other purposes.

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

**FAVORABLE**

08-R-1552 (12) A Resolution by City Utilities Committee correcting Resolution 08-R-1162 by deleting Fidelity Express, Inc. as the company name and replacing it with GSC Enterprises, Inc., d/b/a Fidelity Express wherever it appears in the legislation; and for other purposes.

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

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 08-R-1554 (13) An **Amended** Resolution by City Utilities Committee correcting Resolution 08-R-0413 by deleting Inland Water Pollutions Control, Inc., as the company name and replacing it with Inland Waters Pollution Control, Inc./Gaitor Construction, Company, a Joint Venture wherever it appears in the legislation; and for other purposes. **(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**F. PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1) 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)**
- 07-R-0002 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**
- 07-R-1214 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

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

- 07-R-1477 ( 4) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**
- 07-O-1521 ( 5) 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 ( 6) 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. 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.)**
- 07-O-2604 ( 7) 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 ( 8) 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.)**

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

- 08-O-0481 (9) 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-R-0682 (10) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road; and for other purposes. **(Held 5/5/08 for further review)**
- 08-O-1000 (11) 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 (12) 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.)**
- 08-O-1215 (13) 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.)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1217 (14) 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-1435 (15) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to Proceed** to Shaw Environmental, Inc./AIM Partners, PLC, Joint Venture ("Shaw/AIM), for FC-7619-03F, Annual Contract for Architectural and Engineering Services, to provide right-of-way acquisition services for one (1) parcel (Parcel No. 17) for the Mitchell Street Bridge Project, on behalf of the Department of Public Works, in an amount not to exceed \$5,436.00 with all work to be charged to and paid from Fund, Department, and Account Number: 3128 (2008 Quality of Life Fund) 130308 (DPW Engineering) 100983 (Mitchell Street Viaduct ROW Acq.) 4270000 (Traffic Engineering) and PTAEO Funding Source 13100983/103/313821776/5212001. **(Held 7/15/08 for further review)**
- 08-R-1445 (16) 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)**

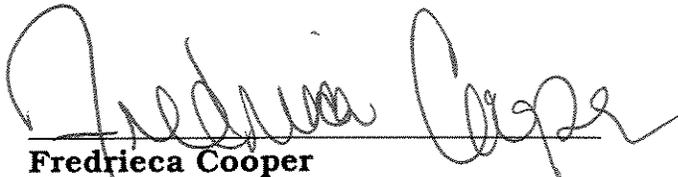
**G. REQUESTED ITEM**

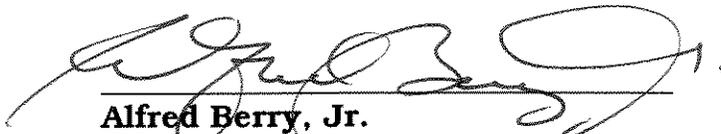
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

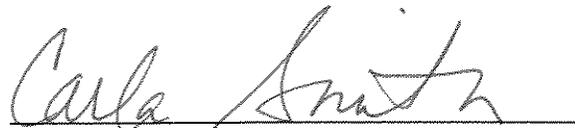
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**There being no further business to come before the Committee, the meeting was adjourned at 10:19 a.m.**

**Respectfully Submitted:**

  
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**Fredrieca Cooper  
Legislative Assistant**

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

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