

CITY UTILITIES COMMITTEE

MINUTES

MARCH 15, 2011

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 15, 2011 at 10:07 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 Carla Smith

The following members were absent:

The Honorable H. Lamar Willis, Vice-Chair
The Honorable Aaron Watson

Others present at the meeting were: Jerry Deloach, Theresa Stewart, Stephanie Grant and Renee Shepherd, Law Department; Dexter White, Interim Commissioner, Sharon Matthew, Eric Glover, Corey Busch Department of Watershed Management; Commissioner Richard Mendoza; Department of Public Works; Keith Brooks, Office of Procurement; City Auditor, Leslie Ward and Stephanie Jackson, Internal Auditors Office; Director John Lavelle, OEAM; Anita Williams, Office of the Mayor; members of the public, press and Council Staff.

Chairperson Archibong called the meeting to order at 10:07 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. CITY UTILITIES COMMITTEE 2011 GOALS AND OBJECTIVES**

CONSENT

D. ORDINANCES FOR FIRST READING

11-O-0336 (1) An Ordinance by City Utilities Committee authorizing the Mayor or his designee to reclassify Jesse Hill, Jr. Drive, SE, between Armstrong Street, SE and Gilmer Street, SE from a Transportation and Entry Plaza for Grady Hospital to a local street; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

11-O-0337 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (Water and Wastewater Renewal and Extension Fund) (5052) Budget in the amount of \$4,238,538.00 to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve for Appropriations and add to appropriations on behalf of the Department of Watershed Management for the DWM Hazard Mitigation Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

11-O-0365 (3) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (Water and Wastewater Renewal and Extension Fund) (5051) Budget in the amount of \$478,000.00 to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve for Appropriations and add to appropriations on behalf of the Department of Watershed Management for the DWM Commissioner Office for Consulting Services; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. COMMUNICATIONS

11-C-0366 (1) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Department of Watershed Management Claims Review.
(Councilmember Martin made a motion to accept the Audit Report.)

ACCEPTED

COMMUNICATIONS (CONT'D)

- 11-C-0370 (2) A Communication by Councilmembers Natalyn M. Archibong, District 5; Alex Wan, District 6; Howard Shook, District 7; Yolanda Adrean, District 8; and Aaron Watson, Post 2 At-Large appointing **Mr. Matthew Arden** to serve as a member of the People TV Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Archibong made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 11-O-0266 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 Budget (2009A Water and Wastewater Fund (5066) Budget, in the amount of \$28,789,000.00 to transfer funds from completed, realigned, postponed or discontinued projects to the Capital Projects Reserve for Appropriations; and for other purposes.
(Councilmember Adrean made a motion to approve on condition.)

FAVORABLE ON CONDITION

- 11-O-0315 (2) An Ordinance by City Utilities Committee authorizing the sale of the City's interest in a narrow strip of land located at the southwest corner of Kendall Street and Alaska Avenue, in Land Lot 19 of the 14th District of Fulton County, Georgia; authorizing the Mayor to execute a Quitclaim Deed to the abutting property owner upon payment of the Fair Market Value; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

G. RESOLUTIONS

11-R-0338 (1) A Resolution by City Utilities Committee authorizing the City of Atlanta, as a co-owner of certain property operated as the North Fulton Water Treatment Plant and a Joint Venture Member in the Atlanta-Fulton County Water Resource Commission, to enter into Renewal Agreement No. 1, for FC-6005007928, Operation and Maintenance Service of the Atlanta-Fulton County Water Treatment Facility, with Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture, in an amount not exceed \$4,063,873 with a fifty percent share of the project cost to the City of Atlanta, in an amount not exceed \$2,031,936.69; all contracted work shall be charged to and paid from the Fund Department, Organization and Account Number listed; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

11-R-0339 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Kemi Construction Company, Inc., JV, for FC-4748, Sewer Group Three Contract A on behalf of the Department of Watershed Management, in an amount not to exceed \$8,217,320.00; that all contracted work shall be charged to and paid from the Fund Department, Organization and Account and PT AEO Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

11-R-0340 (3) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with Kemi Construction Company, Inc., for FC-5003, Annual Contract for Repair and Replacement of Valves and Raising Manhole and Valve Covers, on behalf of the Department of Watershed Management, for **Time-Only**; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 11-R-0341 (4) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with Player and Company, for FC-5011, Annual Contract for Major Electrical Service and Repair, on behalf of the Department of Watershed Management, in an amount not exceed \$90,000.00; all contracted work will be charged to and paid from the Fund Department, Organization and Account Number listed; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 11-R-0342 (5) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to issue payment for the month to month lease for rental space located at 263 Decatur Street, SW, Atlanta, Georgia with Johnson Real Estate Investments, LLC, on behalf of the Department of Watershed Management in an amount not to exceed \$216,015.00; all contracted work shall be charged to paid from the Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 11-R-0363 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Florida Testing Services, LLC d/b/a Xenco Laboratories, for FC-4990, Annual Trace Organics Laboratory Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$94,517.00; all contracted work will be charged to and paid from the Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to hold.)

HELD

RESOLUTIONS (CONT'D)

11-R-0364 (7) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2, for FC-4718A, Annual Contract for Small Water Meters, for the Bureau of Drinking Water with Metals and Materials, LLC, on behalf of the Department of Watershed Management/Bureau of Drinking Water, in an amount not to exceed \$3,000,000.00; all contracted work shall be charged to and paid from the Fund, Department Organization and Account and PTAE0 Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED

11-R-0367 (8) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with WWPS, LLC, for FC-5010, Annual Contract for Major Mechanical Services for the Bureau of Operations, Wastewater Treatment and Collections Division, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,250,000.00; all contracted work will be charged to and paid from the Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

11-R-0443 (9) 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

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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)**

HELD

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)**

HELD

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

PAPERS HELD IN COMMITTEE (CONT'D)

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)**

HELD

- 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 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)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 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) (Referred back by Council 1/3/11)**

HELD

- 10-R-2122 (6) 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.
(Councilmember Archibong made a motion to file.)

FILE

- 10-R-2126 (7) 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)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0080 (8) 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)**

HELD

- 11-R-0088 (9) A Resolution by Councilmembers Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Clela 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)**

HELD

- 11-O-0108 (10) 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)

HELD

- 11-O-0132 (11) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (Water and Wastewater Renewal and Extension Fund) (5052) Budget in the amount of the \$100,000.00 to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve for Appropriations and add to appropriations for McDaniel Branch Wetlands Project; and for other purposes. **(Held 2/15/2011 for companion legislation.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0323 (12) An Ordinance by Councilmember Carla Smith authorizing the Mayor to enter into an appropriate contractual agreement with Advanced Disposal Services of Atlanta, LLC, for FC-5035C, Annual Contract for the Disposal of Municipal Solid Waste, on behalf of the Department of Public Works and the Department of Watershed Management based on unit prices in an amount not to exceed \$674,108.00; authorizing the City of Atlanta to waive the Competitive Source Selection Requirements contained in Sections 2-1187 through 2-1193 of Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work shall be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 11-O-0324 (13) An Ordinance by Councilmember Carla Smith authorizing the Mayor to enter into an appropriate contractual agreement with Republic Services of Georgia, LLP, for FC-5035B, Annual Contract for the Disposal of Municipal Solid Waste, on behalf of the Department of Public Works and the Department of Watershed Management based on unit prices in an amount not to exceed \$5,504,000.00; authorizing the City of Atlanta to waive the Competitive Source Selection Requirements contained in Sections 2-1187 through 2-1193 of Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work shall be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0325 (14) An Ordinance by Councilmember Carla Smith authorizing the Mayor to enter into an appropriate contractual agreement with Waste Management of Atlanta, Inc., for FC-5035A, Annual Contract for the Disposal of Municipal Solid Waste, on behalf of the Department of Public Works and the Department of Watershed Management based on unit prices in an amount not to exceed \$3,446,716.00; authorizing the City of Atlanta to waive the Competitive Source Selection Requirements contained in Sections 2-1187 through 2-1193 of Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work shall be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes. **(Councilmember Smith made a motion to approve.)**

FAVORABLE

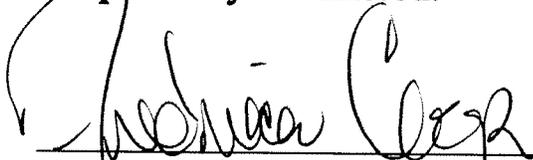
I. REQUESTED ITEMS

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 Adrean requested the number of trucks/vehicles past service life in the fleet.
3. Councilmember Archibong requested a Memo sent to all Councilmembers requesting that they make their appointment to the People TV Board.
4. Commissioner Richard Mendoza is to talk to Mr. Shekar about the street design on Cascade Road.

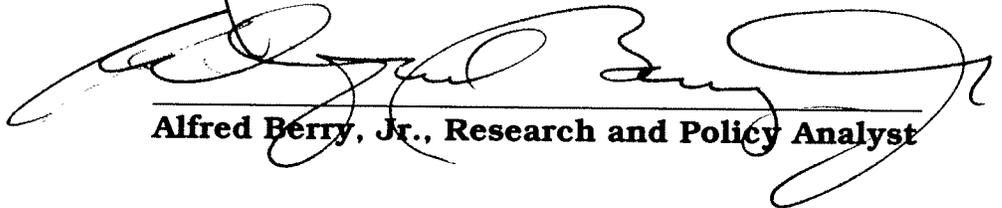
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There being no further business to come before the Committee, the meeting was adjourned at 11:43 a.m.

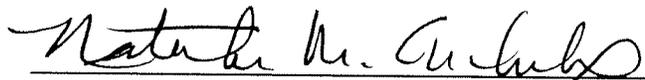
Respectfully Submitted:



Fredrica Cooper, Legislative Assistant



Alfred Berry, Jr., Research and Policy Analyst



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