

#7
13-0-0502

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

AN ORDINANCE BY How Shook
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE TO CORRECT THE AUTHORIZED CONTRACTUAL FUNDING AMOUNT LISTED IN RESOLUTION NO. 11-R-0338 FROM FOUR MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-EIGHT CENTS (\$4,063,873.38) TO EIGHT MILLION, ONE HUNDRED TWENTY-ONE THOUSAND, SIX HUNDRED FIFTY DOLLARS AND FORTY CENTS (8,121,650.40); TO CORRECT CITY OF ATLANTA'S SHARE OF THE PROJECT COST FROM TWO MILLION, THIRTY-ONE THOUSAND, NINE HUNDRED THIRTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$2,031,936.69) TO FOUR MILLION, SIXTY THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND TWENTY CENTS (\$4,060,825.20) FOR THE PURPOSE OF AUTHORIZING ADDITIONAL FUNDING AMOUNTS FOR YEAR TWO (2) IN ADDITION TO YEAR ONE (1) OF THE RENEWAL NO. 1 TERM; TO WAIVE THE PAYMENT PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE FOR THE PURPOSE OF AUTHORIZING PAYMENTS UNDER THE AGREEMENT; AND FOR OTHER PURPOSES.

ADOPTED BY
MAR 18 2013

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 3/4/13
Referred To: Finance/Exec
Date Referred: _____
Referred To: _____
Date Referred: _____
Referred To: _____

Committee Fin/Exec
Date 3-13-13
Chair Telicia A. Apone
Action Fav
Fav, Adv, Hold (see rev. side)
Other _____
Members [Signatures]
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

CERTIFIED

CERTIFIED
MAR 18 2013

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAR 18 2013

Renee Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 27 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

AN ORDINANCE BY
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE TO CORRECT THE AUTHORIZED CONTRACTUAL FUNDING AMOUNT LISTED IN RESOLUTION NO. 11-R-0338 FROM FOUR MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-EIGHT CENTS (\$4,063,873.38) TO EIGHT MILLION, ONE HUNDRED TWENTY-ONE THOUSAND, SIX HUNDRED FIFTY DOLLARS AND FORTY CENTS (8,121,650.40); TO CORRECT CITY OF ATLANTA'S SHARE OF THE PROJECT COST FROM TWO MILLION, THIRTY-ONE THOUSAND, NINE HUNDRED THIRTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$2,031,936.69) TO FOUR MILLION, SIXTY THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND TWENTY CENTS (\$4,060,825.20) FOR THE PURPOSE OF AUTHORIZING ADDITIONAL FUNDING AMOUNTS FOR YEAR TWO (2) IN ADDITION TO YEAR ONE (1) OF THE RENEWAL NO. 1 TERM; TO WAIVE THE PAYMENT PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE FOR THE PURPOSE OF AUTHORIZING PAYMENTS UNDER THE AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") and Fulton County, Georgia ("County") jointly own certain land ("Property") located in Land Lots 137, 138, 139 and 140, First District, First Section, Fulton County, Georgia and jointly own and operate a water treatment facility, known as the Atlanta-Fulton County Water Treatment Plant ("AFCWTP"), located in Johns Creek, Georgia; and

WHEREAS, the City and County jointly own and operate the AFCWTP through a joint venture agreement ("Joint Venture Agreement"), doing business as the Atlanta-Fulton County Water Resources Commission ("AFCWRC"); and

WHEREAS, the AFCWRC entered into FC-6005007928, Operation and Maintenance Service of the Atlanta-Fulton County Water Treatment Facility ("Agreement") with Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture ("Contractor"), pursuant to Resolution No. 05-R-2417; and

WHEREAS, the term of the Agreement is for five (5) years with two (2) two (2) year renewal options to be exercised at AFCWRC's sole discretion, effective April 2, 2006 through April 1, 2011; and

WHEREAS, the City, as a joint venture member of the AFCWRC and co-owner of the AFCWTP, authorized Renewal Agreement No. 1 of the Agreement with a term of April 2, 2011 through April 1, 2013, pursuant to Resolution No. 11-R-0338 (the "Legislation"), which erroneously authorized funding for only the first year of Renewal No. 1 term and excluded amounts to cover funding for the second year of the Renewal No. 1 term, said incorrect amounts



being referenced as a total not to exceed amount of Four Million, Sixty-Three Thousand, Eight Hundred Seventy-Three Dollars and Thirty-Eight Cents (\$4,063,873.38), with the City's share of the costs incorrectly listed as an amount not to exceed Two Million, Thirty-One Thousand, Nine Hundred Thirty-Six Dollars and Sixty-Nine Cents (\$2,031,936.69); and

WHEREAS, the City desires to amend Resolution No. 11-R-0338 to correct the total contract amount and the City's share of the cost under the Agreement to reflect both year 1 and year 2 of the Renewal No. 1 term, as referenced below and otherwise authorize payments made to the Contractor in accordance with the City's obligations under the Joint Venture Agreement and as otherwise budgeted and appropriated through the AFCWRC.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1:

Resolution No. 11-R-0338 is hereby amended to reflect that the total contract amount authorized for Renewal No. 1 shall not exceed Eight Million, One Hundred Twenty-One Thousand, Six Hundred Fifty Dollars and Forty Cents (\$8,121,650.40); with the City's share of such costs being an amount not to exceed Four Million, Sixty Thousand, Eight Hundred Twenty-Five Dollars and Twenty Cents (\$4,060,825.20), (\$2,030,412.60 from April 1, 2011 through March 31, 2012 and \$2,030,412.60 from April 1, 2012 through March 31, 2013), which shall amend Resolution No. 11-R-0338 wherever such amounts appear in the original legislation; provided that all other sections of Resolution No. 11-R-0338 not expressly amended herein shall remain unchanged and in full force and effect.

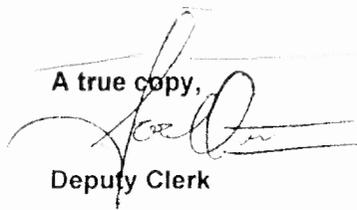
SECTION 2:

All payments made from the City to AFCWRC and/or Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture for the purpose of contributing the City's share of the costs under the Agreement for services rendered by the Contractor during Renewal No. 1 are hereby ratified and otherwise authorized.

SECTION 3:

All ordinances and resolutions in conflict with this Ordinance, including without limitation Section 2-1212, of Chapter 2 of Article X of the City of Atlanta's Code of Ordinances is hereby waived to the extent of the conflict.

A true copy,



Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 18, 2013
MAR 27, 2013

**A RESOLUTION****BY CITY UTILITIES COMMITTEE****11- R -0338**

A RESOLUTION 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 RESOURCES 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 TO EXCEED FOUR MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-EIGHT CENTS (\$4,063,873.38) WITH A FIFTY PERCENT SHARE OF THE PROJECT COST TO THE CITY OF ATLANTA, IN AN AMOUNT NOT EXCEED TWO MILLION, THIRTY-ONE THOUSAND, NINE HUNDRED THIRTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$2,031,936.69); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170413 (DWM TREATMENT PLANT - NORTH AREA) 5212001(DWM TREATMENT PLANT - NORTH AREA) 4430000 (TREATMENT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") and Fulton County, Georgia ("County") jointly own certain land ("Property"), Land Lots 137,138,139 and 140, First District, First Section, Fulton County, Georgia, and operate a water treatment facility, known as the North Fulton Water Treatment Plant ("NFWTP")located in Johns Creek, Georgia; and

WHEREAS, the City and County jointly own and operate the NFWTP through a joint venture agreement ("Joint Venture Agreement"), doing business as the Atlanta-Fulton County Water Resources Commission (collectively, "Commission" or individually, "Joint Venture Member"); and

WHEREAS, the Commission did enter into an agreement, 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, pursuant to Resolution 05-R-2417, adopted by the City Council on December 5, 2005 and approved by the Mayor December 1, 2005, which includes a term of 5 years with two (2) two (2) year renewal terms at the sole discretion of the Commission;

WHEREAS, the Commission and the Commissioner of the Department of Watershed Management and the Chief Procurement Officer, on behalf of the City, recommend entering into Renewal Agreement No. 1 to exercise the first renewal option under the agreement for an



amount not to exceed four million, sixty-three thousand, eight hundred seventy-three dollars and thirty-eight cents (\$4,063,873.38), with the City's share being an amount not to exceed Two Million, Thirty-One Thousand, Nine Hundred Thirty-Six Dollars and Sixty-Nine Cents (\$2,031,936.69).

THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA, HEREBY RESOLVES that the Mayor is authorized to enter into Renewal Agreement No. 1 on behalf of the City, as Joint Venture Member of the Commission, with Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture for FC-6005007928, Operation and Maintenance Service in an amount not to exceed Four Million, Sixty-Three Thousand, Eight Hundred Seventy-Three Dollars and Thirty-Eight Cents (\$4,063,873.38) with the City's share being an amount not to exceed Two Million, Thirty-One Thousand, Nine Hundred Thirty-Six Dollars and Sixty-Nine Cents (\$2,031,936.69).

BE IT FURTHER RESOLVED, that the Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been fully executed by the Mayor, Fulton County and the Commission and delivered to Veolia Water North America-South/Khafra Engineering Consultants, a Joint Venture.

BE IT FURTHER RESOLVED, that the term of Renewal Agreement No. 1 shall be from April 2, 2011 until April 1, 2013.

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170413 (DWM Treatment Plant - North Area) 5212001 (DWM Treatment Plant - North Area) 4430000(Treatment).

RCS# 928
3/21/11
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 11-O-0323, 11-O-0324, 11-O-0325
11-R-0435, 11-R-0444
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 927
3/21/11
2:25 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323, 11-O-0324, 11-O-0325

RECONSIDER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 925
3/21/11
2:23 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323, 11-O-0324, 11-O-0325

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		03-21-11
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	
1. 11-O-0106	38. 11-R-0378	75. 11-R-0415
2. 11-O-0221	39. 11-R-0379	76. 11-R-0416
3. 11-O-0317	40. 11-R-0380	77. 11-R-0417
4. 11-O-0369	41. 11-R-0381	78. 11-R-0418
5. 11-O-0315	42. 11-R-0382	79. 11-R-0419
6. 11-O-0259	43. 11-R-0383	80. 11-R-0420
7. 11-O-0260	44. 11-R-0384	81. 11-R-0421
8. 11-O-0261	45. 11-R-0385	82. 11-R-0422
9. 11-O-0440	46. 11-R-0386	83. 11-R-0423
10. 11-O-0439	47. 11-R-0387	84. 11-R-0424
11. 11-O-0316	48. 11-R-0388	85. 11-R-0425
12. 11-O-0328	49. 11-R-0389	86. 11-R-0426
13. 11-O-0442	50. 11-R-0390	87. 11-R-0427
14. 11-R-0354	51. 11-R-0391	88. 11-R-0428
15. 11-R-0355	52. 11-R-0392	89. 11-R-0429
16. 11-R-0356	53. 11-R-0393	90. 11-R-0430
17. 11-R-0338	Items Adversed on	91. 11-R-0431
18. 11-R-0339	Consent	92. 11-R-0432
19. 11-R-0340	54. 11-R-0394	
20. 11-R-0341	55. 11-R-0395	
21. 11-R-0342	56. 11-R-0396	
22. 11-R-0364	57. 11-R-0397	
23. 11-R-0367	58. 11-R-0398	
24. 11-R-0359	59. 11-R-0399	
25. 10-R-0751	60. 11-R-0400	
26. 11-R-0357	61. 11-R-0401	
27. 11-R-0358	62. 11-R-0402	
28. 11-R-0438	63. 11-R-0403	
29. 11-R-0361	64. 11-R-0404	
30. 11-R-0433	65. 11-R-0405	
31. 11-R-0434	66. 11-R-0406	
32. 11-R-0346	67. 11-R-0407	
33. 11-R-0347	68. 11-R-0408	
34. 11-R-0348	69. 11-R-0409	
35. 11-R-0349	70. 11-R-0410	
36. 11-R-0437	71. 11-R-0411	
37. 11-R-0377	72. 11-R-0412	
	73. 11-R-0413	
	74. 11-R-0414	

11-*R*-0338

(Do Not Write Above This Line)

A RESOLUTION
BY CITY UTILITIES COMMITTEE

A RESOLUTION 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 RESOURCES 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/KHAJRA ENGINEERING CONSULTANTS, A JOINT VENTURE IN AN AMOUNT NOT TO EXCEED FOUR MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-EIGHT CENTS (\$4,063,873.38) WITH A FIFTY PERCENT SHARE OF THE PROJECT COST TO THE CITY OF ATLANTA, IN AN AMOUNT NOT EXCEED TWO MILLION, THIRTY-ONE THOUSAND, NINE HUNDRED THIRTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$2,031,936.69) ; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170413 (DWM TREATMENT PLANT - NORTH AREA) 5212001(DWM TREATMENT PLANT - NORTH AREA) 4430000 (TREATMENT); AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 2 1 2011

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities

Date March 15 2011

Chair Stutts

Action
Fav, Adv, Hold (see rev. side)
Other

Members
Carly
Stutts

Yadrea
Stutts

Refer To

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other

Members _____

Refer To

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other

Members _____

Refer To

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other

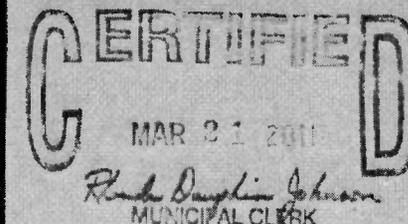
Members _____

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED
MAR 30 2011
WITHOUT SIGNATURE
BY OPERATION OF LAW

RCS# 2615
3/18/13
4:23 PM

Atlanta City Council

13-O-0502

AMEND RESOLUTION 11-R-0338 CONTRACT
RENEWAL AGREEMENT
ADOPT

YEAS: 12
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	N Adrean	Y Sheperd	NV Mitchell