

12-R-1272

(Do Not Write Above This Line)

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A CONTRACTUAL AGREEMENT WITH COLONY REGENCY DEVELOPMENT, INC. ON BEHALF OF THE DEPARTMENT OF AVIATION, FOR IMPLEMENTATION OF NOISE INSULATION MEASURES FOR REGENCY PARK APARTMENTS COMPLEX, PURSUANT TO SECTION 2-1191.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SPECIAL PROCUREMENTS, AND TO REIMBURSE COLONY REGENCY DEVELOPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$8,665,000.00, TO BE CHARGED TO AND PAID FROM PTAEO: 18100312 (HAPEVILLE EASEMENT PROGRAM) 105 (NOISE LAND RESERVE) 550231261 (DOA R N E AVHO) 5414002 (FACILITIES OTHER THAN BLDGS) AND FDOA: 5502 (AIRPORT RENEWAL AND EXTENSION FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 100312 (HAPEVILLE EASEMENT PROGRAM) 31261 (DOA R N E AVHO); AND FOR OTHER PURPOSES.

- 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:  
 Date Referred  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

*Full Committee*  
 Date 9-26-12  
 Chair *[Signature]*

Action  
 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

ADOPTED BY

OCT 0 1 2012

COUNCIL

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
 OCT 0 1 2012

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED  
 OCT 0 1 2012

*[Signature]*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 1 0 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

12-*R*-1272

**A RESOLUTION  
BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A CONTRACTUAL AGREEMENT WITH COLONY REGENCY DEVELOPMENT, INC. ON BEHALF OF THE DEPARTMENT OF AVIATION, FOR IMPLEMENTATION OF NOISE INSULATION MEASURES FOR REGENCY PARK APARTMENTS COMPLEX, PURSUANT TO SECTION 2-1191.1 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SPECIAL PROCUREMENTS, AND TO REIMBURSE COLONY REGENCY DEVELOPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$8,665,000.00, TO BE CHARGED TO AND PAID FROM PTAE0: 18100312 (HAPEVILLE EASEMENT PROGRAM) 105 (NOISE LAND RESERVE) 550231261 (DOA R N E AYH0) 5414002 (FACILITIES OTHER THAN BLDGS) AND FDOA: 5502 (AIRPORT RENEWAL AND EXTENSION FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 100312 (HAPEVILLE EASEMENT PROGRAM) 31261 (DOA R N E AYHO); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”), as the owner of Hartsfield-Jackson Atlanta International Airport (“Airport”), is implementing a federally funded Noise Insulation Program (“NIP 2010”) applicable to eligible structures located in proximity to the Airport to increase land use compatibility with aircraft noise; and

**WHEREAS**, NIP 2010 involves the installation of noise reduction retrofit components in eligible structures, such as acoustically-rated windows and doors; enhanced heat, vent and air condition systems; and other acoustically-based modifications; and

**WHEREAS**, the City, through its Department of Aviation (“DOA”), provides planning, design, construction, construction management and program management services in support of NIP 2010; and

**WHEREAS**, the Regency Park Apartments Complex (“Complex”) consists of 318 units located at 3200 Desert Drive in East Point, Georgia, and is owned by Colony Regency Development, Inc. (“Regency”); and

**WHEREAS**, the Complex is eligible to receive NIP 2010 improvements (“Complex NIP Improvements”) and is currently scheduled to receive them in 2012 by the City; and

**WHEREAS**, prior to the scheduled Complex NIP Improvements, Regency plans to perform a Complex-wide rehabilitation to modernize the Complex and has advised the DOA that performing such rehabilitation contemporaneously with the installation of the Complex NIP Improvements would be the most efficient and cost effective way of completing both activities; and

**WHEREAS**, accordingly, and in order to allow the rehabilitation and Complex NIP Improvements to be done contemporaneously, Regency has offered to provide and pay for the design and construction management to install the Complex NIP Improvements, if the City agrees to reimburse it for its costs in constructing the Complex NIP Improvements in an amount not to exceed \$8,665,000.00 (“Project”); and



**WHEREAS**, the Chief Procurement Officer has determined that, under the circumstances, a Special Procurement, as provided in Section 2-1191.1 of the City Code, that it is desirable and in its best interest to accept such offer, provided the Complex NIP Improvements are designed and installed in accordance with the same acoustical design and construction standards required by NIP 2010 and after such design and their installation, it has been demonstrated by Regency to the DOA, and the DOA has verified, that the desired interior noise levels in the Complex have been attained; and

**WHEREAS**, the Aviation General Manager and Chief Procurement Officer have recommended the execution of the Agreement to accomplish the purposes described herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor is authorized to execute a Reimbursable Agreement with Regency, with the reimbursement in a total amount not to exceed \$8,665,000.00 for design and construction costs incurred in installing the Complex NIP Improvements, provided that all conditions imposed by the City have been satisfied by Regency, including, but not limited to, demonstration to the DOA, and the DOA's verification, that the NIP Complex Improvements have been installed in accordance with the same acoustical design and construction standards required by NIP 2010 and that the desired interior noise levels in the Complex have been attained.

**BE IT FURTHER RESOLVED**, that Regency is expected to complete all services for the Project within 365 calendar days from the date such services begins.

**BE IT FURTHER RESOLVED**, that all contracted work shall be charged to and paid from PTAE0: 18100312 (Hapeville Easement Program) 105 (Noise Land Reserve) 550231261 (DOA R N E AYH0) 5414002 (Facilities Other Than Bldgs) and FDOA: 5502 (Airport Renewal And Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities Other Than Bldgs) 7563000 (Airport) 100312 (Hapeville Easement Program) 31261 (DOA R N E AYH0).

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that this Reimbursable Agreement will not become binding on the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Regency.

A true copy,

Deputy Municipal Clerk

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

**October 01, 2012**  
**October 10, 2012**

RCS# 2322  
10/01/12  
2:35 PM

Atlanta City Council

CONSENT I

ALL ITEMS EXCEPT 12-R-0997  
OCTOBER 1, 2012  
ADOPT AS AMNDED

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Bond
NV 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

		<b>10-01-12</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 12-O-1056	35. 12-R-1283	42. 12-R-1290
2. 12-O-1129	36. 12-R-1284	43. 12-R-1291
3. 12-O-1179	37. 12-R-1285	44. 12-R-1292
4. 12-O-1180	38. 12-R-1286	45. 12-R-1293
5. 12-O-1181	39. 12-R-1287	46. 12-R-1294
6. 12-O-1167	40. 12-R-1288	47. 12-R-1295
7. 12-O-1168	41. 12-R-1289	48. 12-R-1296
8. 12-O-1169		49. 12-R-1297
9. 12-O-1170		50. 12-R-1298
10. 12-O-1171		51. 12-R-1299
11. 12-O-1172		52. 12-R-1300
12. 11-O-1195		53. 12-R-1301
13. 12-O-1321		54. 12-R-1302
14. 12-O-1038		55. 12-R-1303
15. 12-O-1199		56. 12-R-1304
16. 12-O-1243		57. 12-R-1305
17. 12-O-1315		58. 12-R-1306
18. 12-R-1163		59. 12-R-1307
19. 12-R-1253		60. 12-R-1308
20. 12-R-1265		61. 12-R-1309
21. 12-R-1266		
22. 12-R-1268		
23. 12-R-1278		
24. 12-R-1279		
25. 12-R-1280		
26. 12-R-1282		
27. 12-R-1191		
28. 12-R-1274		
29. 12-R-1275		
30. 12-R-1310		
31. 12-R-1323		
32. 12-R-1101		
33. 12-R-1270		
34. 12-R-1272		