



**CITY UTILITIES COMMITTEE  
REGULAR COMMITTEE MEETING**

**~Agenda~**

Atlanta City Hall  
55 Trinity Avenue  
Atlanta, GA 30303  
<http://www.atlantaga.gov/>

**CITY OF ATLANTA**

**Chairperson**  
The Honorable Natalyn Mosby Archibong

Santana K. Wright  
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**Tuesday, November 29, 2016**

**9:30 AM**

**Committee Room 1**

**\*\*Please note that this is a regularly scheduled meeting of the City Utilities Committee.  
During this meeting we will not discuss or act upon any items currently before the Finance/Executive Committee.**

**A. CALL TO ORDER**

**B. INTRODUCTION OF MEMBERS**

**C. ADOPTION OF AGENDA**

**D. APPROVAL OF MINUTES**

**E. PUBLIC COMMENTS PERTAINING TO ITEMS ON THE AGENDA (3 MINUTES)**

**F. PRESENTATIONS**

Department of Watershed Management Quarterly Review

**CONSENT**

**G. ORDINANCES FOR FIRST READING**

16-O-1681 (1) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.

16-O-1682 (2) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF SIX MILLION, THREE HUNDRED SIXTEEN THOUSAND, SIX HUNDRED FIFTY-TWO DOLLARS AND SIXTY-FIVE CENTS (\$6,316,652.65) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE SURCHARGE RESERVE PROJECT; AND FOR OTHER PURPOSES.

16-O-1683 (3) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET;

AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.

16-O-1684 (4) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

16-O-1685 (5) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 2009A WATER AND WASTEWATER BOND FUND (5066) BUDGET IN THE AMOUNT OF EIGHT MILLION, TWO HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED TWELVE DOLLARS AND THIRTY-SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

16-O-1686 (6) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (5058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

## **REGULAR**

### **H. PUBLIC HEARING ITEM**

16-O-1611 (7) - AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.  
(Held 11/15/16 for a Public Hearing)

### **I. ORDINANCES FOR SECOND READING**

16-O-1642 (8) - AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF

ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.

- 16-O-1667 (9) - AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.

**J. RESOLUTIONS**

- 16-R-4685 (10) - A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY-SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES.
- 16-R-4688 (11) - A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NUMBER 2 WITH SOCO-TEM, JV, FOR FC-8250, ANNUAL CONTRACT FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, DRIVEWAY APRONS AND ASSOCIATED INFRASTRUCTURE FOR SIDEWALK REPAIRS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY TWO THOUSAND DOLLARS AND ZERO CENTS (\$262,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.
- 16-R-4690 (12) - A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.
- 16-R-4693 (13) - A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING ADDITIONAL FUNDING FOR FC-7888 CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM- PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO

CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.

- 16-R-4696 (14) - A RESOLUTION BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.
- 16-R-4740 (15) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC., AS OWNER OF REAL PROPERTY LOCATED 2815 PEACHTREE ROAD N.E., ATLANTA, GEORGIA 30305, FOR THE PURPOSE OF INSTALLING A PERMANENT UNDERGROUND SHORING SYSTEM WITH TIE-BACKS IN THE PUBLIC RIGHTS-OF-WAY OF VIVIAN LANE N.E. ABUTTING SUCH PROPERTY; AND FOR OTHER PURPOSES.
- 16-R-4741 (16) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.
- 16-R-4742 (17) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCATION, MODIFICATION OR INSTALLATION OF TRANSMISSION FACILITIES FOR THE CONSTRUCTION OF THE UPPER PROCTOR CREEK CAPACITY RELIEF PROJECT AT THE RODNEY COOK SR. PARK IN VINE CITY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.
- 16-R-4743 (18) - A RESOLUTION BY CITY UTILITIES COMMITTEE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF

THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

16-R-4744 (19) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA GAS LIGHT COMPANY FOR THE EXTENSION OF A GAS MAIN AND RELATED FACILITIES FOR GAS SERVICE TO THE QUARRY FOR THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

16-R-4745 (20) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

16-R-4746 (21) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.

**K. PAPERS HELD IN COMMITTEE**

14-O-1241 (22) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA;

TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

**(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by the NPUs)**

14-O-1242 (23) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 138, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III, "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY", AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY PERMITS; AND FOR OTHER PURPOSES.

**(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by the NPUs)**

15-O-1148 (24) - AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 "ENVIRONMENT", ARTICLE VI "FLOOD AREA REGULATIONS", AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.

**(Held 4/28/15 for a work session)**

15-O-1369 (25) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.

**(Held 9/15/15) (Held at the request of the Department)**

15-O-1431 (26) - AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD AS SUBSTITUTED BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 130 "SOLID WASTE MANAGEMENT," ARTICLE III "MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS," DIVISION 1 "GENERALLY," SECTION 130-84 "RATES AND CHARGES" IN ORDER TO DELETE SUBSECTION 8 "VACANT PARCELS"; AND FOR OTHER PURPOSES.

**(Substituted and Held 9/29/15) (Held at the request of the Department for additional review)**

15-O-1548 (27) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.

**(Held 12/15/15)**

- 15-O-1562 (28) - AN ORDINANCE BY COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG AS AMENDED BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

**(Held 12/1/15)**

- 16-O-1183 (29) - AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG JR., AUTHORIZING THE RENAMING OF MOREHOUSE DRIVE, N. W. FROM MORRIS BROWN AVENUE TO SPELLMAN STREET TO REVEREND R.B. SUTTON PLACE BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR HIS DESIGNEE; AND FOR OTHER PURPOSES.

**(Held 4/26/16) (Held for a Public Hearing)**

- 16-O-1417 (30) - AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

**(Held 8/23/16 at the request of the Department)**

- 16-O-1425 (31) - AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE TO ABANDON THAT PORTION OF ADAMS DRIVE, N.W., LOCATED IMMEDIATELY SOUTH OF MARIETTA BOULEVARD, N.W., CONSISTING OF 11,476 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 230 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

**(Held 8/23/16 for a tentative Public Hearing scheduled on 9/27/16)**

- 16-O-1455 (32) - AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.

**(Held 9/13/16 at the request of the Department)**

- 16-O-1599 (33) - AN ORDINANCE BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.  
**(Held 10/25/16 at the request of the Department) (Substituted and Held 11/15/16)**

15-R-3294 (34) - A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.  
**(Held 3/16/15 at the request of the Department)**

15-R-3614 (35) - A RESOLUTION BY COUNCILMEMBERS MICHAEL JULIAN BOND AND CLETA WINSLOW AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS FROM THE 2015 MARTIN LUTHER KING DAY OF SERVICE GRANTS PROGRAM TO BE MATCHED WITH SEVENTY-ONE THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$71,428.00) DOLLARS FROM THE DEPARTMENT OF WATERSHED MANAGEMENT TO ENCOURAGE COMMUNITY SERVICE IN CONJUNCTION WITH THE GRAYMONT DRIVE SEWER INFRASTRUCTURE THREAT AND FOR ENCOURAGING LONG TERM COMMUNITY SERVICE; AND FOR OTHER PURPOSES.  
**(Held 5/26/15 for further review)**

16-R-4262 (36) - A RESOLUTION BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG TO AUTHORIZE 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 9/13/16 at the request of the Department)**

## **L. REQUESTED ITEMS**

### **10/27/15**

1. Councilmember Young requested a briefing on waste and energy facilities from the Department of Public Works. **The Department stated they would provide this update prior to the October 25, 2016 meeting.**

### **9/13/16**

2. Councilmember Sheperd requested the Renew Atlanta Infrastructure Bond Program provide an update on the overall Master Plan efforts for Art.

### **9/27/16**

3. Councilmember Wan requested the Administration provide when the Fiscal Year 16 and Fiscal Year 17 budgeted amounts were paid to PeopleTV. He also requested how much these payments were.

### **10/11/16**

4. Councilmember Archibong asked the Department of Watershed Management to present their suggestions for reconfiguring the Water and Sewer Appeal Boards. **The Department will provide an update at the November 29, 2016 meeting.**

### **11/15/16**

5. Councilmember Adrean requested why the proposed abandonments (includes portions of Plaza Way, Lower Alabama Street, Upper Alabama Street, Lower Pryor Street and Upper Pryor Street) listed in 16-O-1611 are being transferred to the Downtown Development Authority if the transaction is already closed?
6. Councilmember Adrean asked if the City's local match requirement of 30% has been or will be reduced for the LMIG Program due to the recent approval of the TSPLOST. **The Department of Public Works will check with the Georgia Department of Transportation and provide an update at the November 29, 2016 meeting.**
7. Councilmember Adrean requested other examples of street projects where the cost averages \$3.5M/mile. **The Administration and the Department of Public Works will provide a matrix of examples that includes projects and/or streets that have cost that amount or more at the November 29, 2016 meeting.**
8. Councilmember Sheperd requested the Department of Public Works provide a comprehensive presentation on the Northside Drive corridor.
9. Requested items from the Department of Watershed Management Collections and Billing Strategy Update. **The Department will provide a more in-depth update during the November 29, 2016 Quarterly Review.**
  - a. Councilmember Shook requested how many demand letters have been issued.
  - b. Councilmember Shook requested a fuller picture of water theft vs. recovery and timing issues.
  - c. Councilmember Shook requested what policy changes Council may need to consider and administrative changes the Department may need to consider.
  - d. Councilmember Archibong requested the amount of funds the City has collected.
  - e. Councilmember Shook requested data that shows standard/best practices for Collections

and Billing in comparison to other municipalities.

- f. Councilmember Shook requested how many accounts have been shut off as a result of this analysis.
- g. Councilmember Archibong requested the standard/best practice for fire hydrant repairs in comparison to other municipalities and a metric on how the Department has met the SLA.

**M. COMMENTS FROM THE PUBLIC (2 MINUTES)**

**N. ADJOURNMENT**

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) has received a formal request from Westside Village Atlanta LLC (“Applicant”), the owner of the abutting property, to abandon a portion of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., consisting of 0.902 total acres (the “0.902 Acre Tract”), being more specifically described in the attached Exhibit “A”, said property lying and being in Land Lots 221 and 230 of the 17<sup>th</sup> District of Fulton County, Georgia; and

WHEREAS, the Applicant has represented to the City that the Applicant is the owner of all parcels abutting the 0.902 Acre Tract to be abandoned, citing Fulton County Deed Book 55659, Page 640; and

WHEREAS, the Applicant has paid a fee of \$2,500.00 for the cost of advertisement of the abandonment and the cost of appraising the 0.902 Acre Tract, as specified by Section 138-9(a) (5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portions of the 0.902 Acre Tract are no longer useful or necessary for the public’s use and convenience; and

WHEREAS, the Applicant has agreed to pay fair market value for the 0.902 Acre Tract in accordance with Section 138-9(g) of the City of Atlanta Code of Ordinances; and

WHEREAS, the 0.902 Acre Tract to be abandoned will become part of the Applicant’s abutting property, and it will be such owner’s responsibility to maintain, operate, and provide all services and utilities associated with the 0.902 Acre Tract; and

WHEREAS, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portions of right-of-way making up the 0.902 Acre Tract as described in Exhibit “A” will improve access to Marietta Boulevard.

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

Section 1: That the portions of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., consisting of the 0.902 acre tract lying and being in Land Lots 221 and 230 of the 17<sup>th</sup> District of Fulton County, Georgia and being more specifically described in the attached Exhibit “A”, are hereby declared no longer useful or necessary for the public’s use and convenience.

Section 2: That the City hereby expresses its intent to abandon to Westside Village Atlanta LLC, the segments of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., as hereinabove described and as depicted in the attached Exhibit “A”.

Section 3: That any and all reservations for existing public or private utility easements shall remain in effect in favor of the City for the purpose of entering the 0.902 Acre Tract to operate, maintain, or replace said utilities facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 4: That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonments, as outlined in the City Code of Ordinances, including Section 2-1578.

Section 5: That the Mayor, or his designee, is hereby authorized to execute a Quitclaim Deed(s) to convey any interest that the City may have in the above-referenced portions of Queen Street N.W., “as-is”, “where-is”, to Westside Village Atlanta LLC.

Section 6: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1681

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.**

**Workflow List:**

Kajara Anderson	Completed	11/17/2016 9:15 AM
Richard Mendoza	Completed	11/17/2016 9:16 AM
Mayor's Office	Completed	11/17/2016 11:16 AM
Office of Research and Policy Analysis	Completed	11/22/2016 9:09 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	01/03/2017 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: KAJARA ANDERSON

Contact Number: 404-330-6596

Originating Department: THE DEPARTMENT OF PUBLIC WORKS

Committee(s) of Purview: CITY UTILITIES COMMITTEE

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: 

Commissioner's Signature: 

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: n/a

**CAPTION**

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT:**

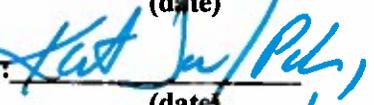
Mayor's Staff Only

\_\_\_\_\_

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/2016   
(date)

Reviewed by: , DCUS  
(date) 11/16/16

Submitted to Council: \_\_\_\_\_ (date)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) has received a formal request from Westside Village Atlanta LLC (“Applicant”), the owner of the abutting property, to abandon a portion of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., consisting of 0.902 total acres (the “0.902 Acre Tract”), being more specifically described in the attached Exhibit “A”, said property lying and being in Land Lots 221 and 230 of the 17<sup>th</sup> District of Fulton County, Georgia; and

**WHEREAS**, the Applicant has represented to the City that the Applicant is the owner of all parcels abutting the 0.902 Acre Tract to be abandoned, citing Fulton County Deed Book 55659, Page 640; and

**WHEREAS**, the Applicant has paid a fee of \$2,500.00 for the cost of advertisement of the abandonment and the cost of appraising the 0.902 Acre Tract, as specified by Section 138-9(a) (5) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the the Commissioner of the Department of Public Works has determined that the portions of the 0.902 Acre Tract are no longer useful or necessary for the public’s use and convenience; and

**WHEREAS**, the Applicant has agreed to pay fair market value for the 0.902 Acre Tract in accordance with Section 138-9(g) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the 0.902 Acre Tract to be abandoned will become part of the Applicant’s abutting property, and it will be such owner’s responsibility to maintain, operate, and provide all services and utilities associated with the 0.902 Acre Tract; and

**WHEREAS**, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portions of right-of-way making up the 0.902 Acre Tract as described in Exhibit “A” will improve access to Marietta Boulevard.

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

**Section 1:** That the portions of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., consisting of the 0.902 acre tract lying and being in Land Lots 221 and 230 of the 17<sup>th</sup> District of Fulton County, Georgia and being more specifically described in the attached **Exhibit “A”**, are hereby declared no longer useful or necessary for the public’s use and convenience.

**Section 2:** That the City hereby expresses its intent to abandon to Westside Village Atlanta LLC, the segments of Queen Street N.W. between Dunseath Avenue N.W. and La Dawn Lane N.W., as hereinabove described and as depicted in the attached **Exhibit “A”**.

**Section 3:** That any and all reservations for existing public or private utility easements shall remain in effect in favor of the City for the purpose of entering the 0.902 Acre Tract to operate, maintain, or replace said utilities facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**Section 4:** That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonments, as outlined in the City Code of Ordinances, including Section 2-1578.

**Section 5:** That the Mayor, or his designee, is hereby authorized to execute a Quitclaim Deed(s) to convey any interest that the City may have in the above-referenced portions of Queen Street N.W., “as-is”, “where-is”, to Westside Village Atlanta LLC.

**Section 6:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.



### CITY OF ATLANTA

Kasim Reed  
MAYOR

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7532  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Richard Mendoza  
Commissioner

#### Request for Abandonment of Public Right-of-Way

Date: 2/25/2011  
Name of Street: 1800 Queen St., Atlanta GA 30318  
Between Dunwoody Ave and La Dawn Lane  
Petitioner Name: NIVA, LLC.

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) 404.512.9653 Cell: \_\_\_\_\_ Email: brandon@edenlodge.com

#### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

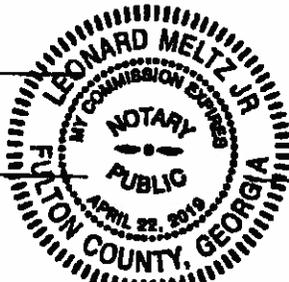
1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 1/2 X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement\* from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Excursion Abandonment the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

[Signature]

[Signature]  
Notary Public



8/25/2016  
Date

I, Karen Hatter (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street NW a public right-of-way in the City of Atlanta.

I support X / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will \_\_\_\_\_ / will not X acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]  
Signature of Property Owner

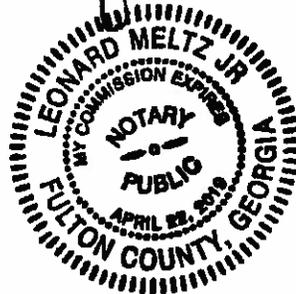
8/25/2016  
Date

Karen Hatter  
Print Name of Property Owner

8/25/2016  
Date

[Signature]  
Notary Public

8/25/2016  
Date





# CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Richard Mendoza  
Commissioner

Kasim Reed  
MAYOR

## Request for Abandonment of Public Right-of-Way

Date: 8/25/2016  
Name of Street: ~~Queen Street NW~~ 2246 - 2260 Marietta Blvd.  
Between Dunseath Ave and La Dawn Lane  
Petitioner Name: Westside Village Atlanta, LLC.  
**NOTE: Eligible petitioners are abutting property owner and/or their agents.**  
Petitioner Phone(s) 404-512-9653 Cell: \_\_\_\_\_ Email: brandon@edenrockre.com

### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 1/2 X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement" from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Westside Village Atlanta, LLC, Brandon Ashkoti, Manager the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

[Signature]

[Signature]  
Notary Public



8/25/2016  
Date

I, Brandon Ashkoti, Manager (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street NW a public right-of-way in the City of Atlanta.

I support X / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will X / will not \_\_\_\_\_ acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]  
Signature of Property Owner

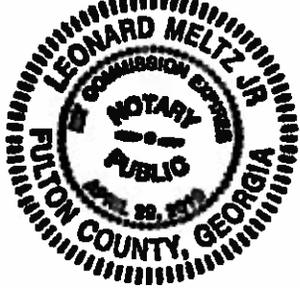
8/25/2016  
Date

Brandon Ashkoti  
Print Name of Property Owner

8/25/2016  
Date

[Signature]  
Notary Public

8/25/2016  
Date





### CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

**Kasim Reed**  
MAYOR

DEPARTMENT OF PUBLIC WORKS

**Richard Mendoza**  
Commissioner

### Request for Abandonment of Public Right-of-Way

Date: 8/25/2016

Name of Street: 1818 Queen Street, Atlanta GA 30318

Between Dunseath Ave. and La Dawn Lane

Petitioner Name: WVA, LLC.

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) 404-512-9653 Cell: \_\_\_\_\_ Email: brandon@edenrockre.com

#### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

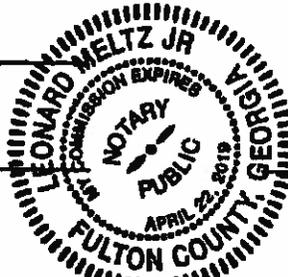
1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 ½ X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement\* from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Brandon Ashkouti, Westside Village Atlanta, LLC, the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

[Signature]

[Signature]  
Notary Public



8/25/2016  
Date

I, Imelda Peña (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street NW a public right-of-way in the City of Atlanta.

I support  / do not support  the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not  acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]  
Signature of Property Owner

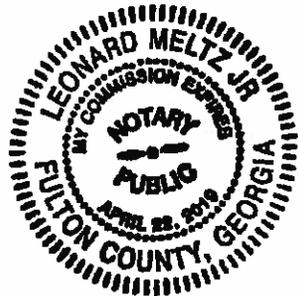
8/25/2016  
Date

Imelda Z Peña  
Print Name of Property Owner

8/25/2016  
Date

[Signature]  
Notary Public

8/25/2016  
Date





### CITY OF ATLANTA

**Kasim Reed**  
**MAYOR**

55 TRINITY AVE, SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS  
  
**Richard Mendoza**  
Commissioner

### Request for Abandonment of Public Right-of-Way

Date: 8/25/2016  
Name of Street: 1791 La Dawn Lane, Atlanta GA 30318  
Between Dunseath Ave. and La Dawn Lane  
Petitioner Name: WVA, LLC.

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) 404-512-9653 Cell: \_\_\_\_\_ Email: brandon@edenrockre.com

#### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 ½ X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Brandon Ashkoutl Westside Village Atlanta, LLC. the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

[Signature]

[Signature]  
Notary Public



8/25/2015  
Date

I, Liza Hickman (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street NW a public right-of-way in the City of Atlanta.

I support X / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will \_\_\_\_\_ / will not x acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]  
Signature of Property Owner

8/25/16  
Date

Liza Hickman - Life Enrichment Ministries  
Print Name of Property Owner

8/25/16  
Date

[Signature]  
Notary Public

8/23/2016  
Date





## CITY OF ATLANTA

Kasim Reed  
MAYOR

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 650-7552  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Richard Mendoza  
Commissioner

### Request for Abandonment of Public Right-of-Way

Date: 8/25/2016

Name of Street: 1810 Queen Street, Atlanta GA 30318

Between Dunseath Ave. and La Dawn Lane

Petitioner Name: WVA, LLC.

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) 404-512-9653 Cell: \_\_\_\_\_ Email: brandon@edenrockre.com

#### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

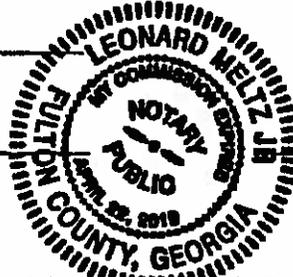
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6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Brandon Ashkoui Westside Village Atlanta, GA the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

[Signature]

[Signature]  
Notary Public



8/25/2016  
Date

I, Peter C. Knapp (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street NW a public right-of-way in the City of Atlanta.

I support  / do not support  the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not  acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]  
Signature of Property Owner

PETER C KNAPP JR  
Print Name of Property Owner

[Signature]  
Notary Public

8/25/16  
Date

8/25/16  
Date

8/25/2016  
Date





### CITY OF ATLANTA

Kasim Reed  
MAYOR

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS  
Richard Mendon  
Commissioner

#### Request for Abandonment of Public Right-of-Way

Date: 9.16.16

Name of Street: 1811 La Dawn Lane

Between Dunwoody Ave. and La Dawn Lane.

Petitioner Name: Westside Village Atlanta, LLC.

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) Brandon Ashcraft Cell: 404.512.9153 Email: brandon@calenrockre.com  
Westside Village Atlanta, LLC.

#### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 1/2 X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all \_\_\_\_\_ properties abutting area to be abandoned.

**Certificate of Intent**

I, Brandon Ashkauti, Westside Village Atlanta LLC the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment

[Signature]

[Signature]  
Notary Public



8/25/2016  
Date

I, Thomas & Janna Chandler (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Queen Street a public right-of-way in the City of Atlanta.

I support  / do not support  the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not  acquire at fair market value that portion of the right-of-way abutting my property.

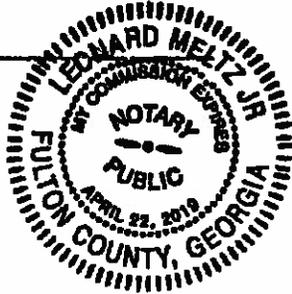
[Signature]  
Signature of Property Owner

8/25/2016  
Date

Thomas C Chandler / Janna M. Chandler  
Print Name of Property Owner

8/25/2016  
Date

[Signature]  
Notary Public



8/25/2016  
Date

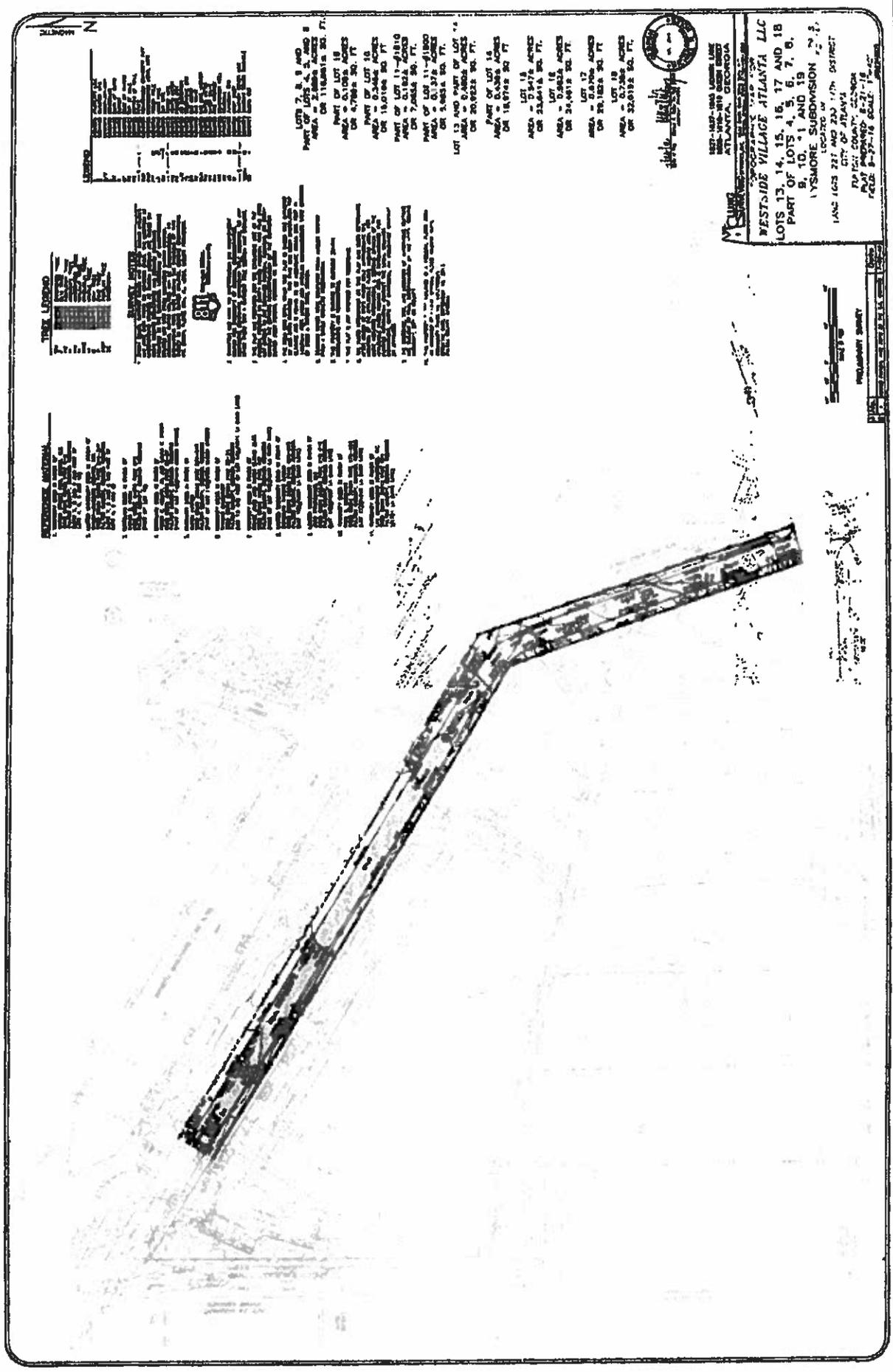
# Description

## *Portion of Queen Street Right-of-Way Abandonment*

All that tract or parcel of land lying and being in Land Lots 221 and 230 of the 17<sup>th</sup> District of Fulton County, Georgia and being designated as a Portion of the current 40 foot Right-of-Way of Queen Street (A.K.A. Folger Street) on a Plat of Topographic Map for Westside Village Atlanta, LLC by McClung Surveying Services, Inc. dated 6-21-16, last revised 7-26-16 and being more fully described as follows;

To reach the Point of Beginning, start at a nail found located at the intersection of the Southwesterly Right-of-Way of Queen Street (A.K.A. Folger Street) (40' R/W) and the East Right-of-Way of Dunseath Avenue (Apparent 40' R/W). Thence running S58°48'00"E along the said Southwesterly Right-of-Way of Queen Street a distance of 123.28 feet to a point and the Point of Beginning. Thence from the Point of Beginning and leaving said Southwesterly Right-of-Way and running N31°12'00"E a distance of 40.00 feet to point located along the Joint Right-of-Ways of the Northeasterly Right-of-Way of said Queen Street and the Southwesterly Right-of-Way of Marietta Boulevard (150' R/W). Thence running S59°13'07"E along the said Northeasterly Right-of-Way of Queen Street a distance of 611.68 feet to a point. Thence leaving said joint Right-of-Ways and running S18°24'41"E along the Northeasterly Right-of-Way of Queen Street a distance of 355.44 feet to a rebar set located at the intersection of the said Northeasterly Right-of-Way of Queen Street and the Northwesterly Right-of-Way of LaDawn Lane (Formerly Bolton Road) (Formerly Old Marietta Road) (40' R/W). Thence leaving said intersection and running S79°52'13"W a distance of 40.42 feet to a rebar set located at the intersection of the Southwesterly Right-of-Way of said Queen Street and the North Right-of-Way of said LaDawn Lane. Thence leaving said North Right-of-Way and running N18°24'41"W along said Southwesterly Right-of-way of Queen Street a distance of 328.00 feet to a rebar set. Thence continuing N58°48'00"W along said Right-of-Way a distance of 602.20 feet to said point and the Point of Beginning.

Said tract or parcel of land containing 0.902± acres or 39,292± square feet.



PROPERTY LIST

Address	Property Owner	Current Zoning	Proposed Zoning	Tax Parcel #	ZONE	ROW	SUP	BZA
2246 - 2260 Marietta Blvd	Westside Village Atlanta, LLC	I-1	G-1		✓	✓	✓	✓
2331 Dunsceath Avenue ?	Westside Village Atlanta, LLC	I-1	G-1		✓	✓	✓	✓
1800 Queen Street	Karen Hatter	R-4	G-1		✓	✓	✓	✓
1810 Queen Street	Peter C. Knapp Jr.	R-4	C-1		✓	✓	✓	✓
1818 Queen Street	Imelda Z. Peña	R-4	G-1		✓	✓	✓	✓
1791 La Dawn Street	Liza Hickman	R-4	G-1		✓	✓	✓	✓
1811 La Dawn Street	Thomas C. and Janna M. Chan dlr	R-4	C-1		✓	✓	✓	✓
1817 La Dawn Street ?	Rance and Karen E. Mes	R-4	G-1 & MR-3		✓	✓	✓	✓
1827 La Dawn Street ?	Benjamin Thomas Kaelin	R-4	C-1 & MR-3		✓	✓	✓	✓
1837 La Dawn Street ?	Westside Village Atlanta, LLC.	R-4	G-1 & MR-3		✓	✓	✓	✓
1845 La Dawn Street ?	Paul Andrew Brooker	R-4	C-1 & MR-3		✓	✓	✓	✓

Smith Levenson  
 Stevenson@eastlan capital.com  
 404-660-0130

3/16/2016

export\_1458171562.png (1286x749)



**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview: CITY UTILITIES COMMITTEE

**Caption:**

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF QUEEN STREET N.W. BETWEEN DUNSEATH AVENUE N.W. AND LA DAWN LANE N.W. CONSISTING OF 0.902 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 221 AND 230 OF THE 17<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA TO WESTSIDE VILLAGE ATLANTA LLC; AND FOR OTHER PURPOSES.**

Council Meeting Date: November 29, 2016

Legislation Title: Queen Street Abonnement

Requesting Dept: THE DEPARTMENT OF PUBLIC WORKS

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to abandon city of Atlanta Queen Street right-of-way located between Dunseath Avenue and La Dawn Lane right-of-way, Atlanta, Georgia to Westside Village Atlanta LLC.

**2. Please provide background information regarding this legislation.**

The neighborhoods bounded by Bolton Road to the North, Marietta Rd. to the West and Crest Lawn Memorial Park to the South only have two access points with lights to Marietta Blvd. Pursuant to discussions with community leaders and the Bolton neighborhood, it has been determined that the community perception is that a southern opening added to 3-way intersection at the signalized intersection of Cornet Way and Marietta Blvd will increase safety and improve access to Marietta Blvd and the new developments taking place in the area. This can only be accomplished with the removal of a portion of Queen St. replaced by a new private but publicly accessible road connecting La Dawn Ln NW and adding a fourth leg to the light at Cornet Way

and Marietta Blvd. Queen St. is currently acting as a poorly designed poorly lit access road to Marietta Blvd from La Dawn Ln. This is being considered currently by zoning application "2246-2260 Marietta Blvd. et al., (Z-16-060, U-16-025, V-16-252)". The Bolton neighborhood association and NPU D both voted unanimously in favor of the zoning plan. The zoning plan provides for Queen St. to be abandoned and a new publicly accessible private road to connection La Dawn Lane to Marietta Boulevard at its current intersection at Cornet Way. This will allow for much needed re-development. The plan calls for commercial uses and townhomes on the property. The existing access from Dunseath Ave to Queen St to a curb cut on Marietta Blvd will remain as-is.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**
- (h) **Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. FISCAL IMPACT**

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget – see account string in legislation

Or

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Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: GIRMA NEGUSSIE**

**Contact Number:**



**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF SIX MILLION, THREE HUNDRED SIXTEEN THOUSAND, SIX HUNDRED FIFTY-TWO DOLLARS AND SIXTY-FIVE CENTS (\$6,316,652.65) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE SURCHARGE RESERVE PROJECT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has realigned or completed projects in the Water and Wastewater Renewal and Extension Fund (5052) and this ordinance facilitates the realignment funding process; and

WHEREAS, funds remain appropriated on some projects in the Water and Wastewater Renewal and Extension Fund (5052) that are no longer needed at this time; and

WHEREAS, these funds should be transferred to the Surcharge Reserve Project to facilitate the use of the funds for other projects and for other purposes.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$3,982,652.65</b>			
<b>PTAEO:</b>				
Hemphill & Chatt. WTP Phase 2	DWM Sec. Surcharge	DWM Security Surcharge	Consulting	City of Atlanta
17110276	103	505291858	5212001	COA
<b>The amount of:</b>	<b>\$100,000.00</b>			
<b>PTAEO:</b>				
Hemphill & Chatt. WTP Phase 2	DWM Sec. Surcharge	DWM Security Surcharge	Equipment \$5K+	City of Atlanta
17110276	103	505291858	5421003	COA
<b>The amount of:</b>	<b>\$2,239,000.00</b>			
<b>PTAEO:</b>				
Hemphill &	DWM Sec.	DWM Security	Fac. Other than Bldgs.	City of

<u>Chatt. WTP Phase 2</u>	<u>Surcharge</u>	<u>Surcharge</u>		<u>Atlanta</u>
17110276	103	505291858	5414002	COA
<b>FDOA:</b>				
<u>DWM Security Surcharge</u>	<u>DWM Water Treatment Plants-HWTP</u>	<u>Projects and Grants Budget Summary</u>	<u>Treatment</u>	
5052	170242	5999999	4430000	

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$6,321,652.65</b>			
<b>PTAEO:</b>				
<u>Surcharge Reserve Project</u>	<u>DWM H2O Reserves</u>	<u>DWM Security Surcharge</u>	<u>Reserve Conv Class 1</u>	<u>City of Atlanta</u>
10110551	100	505291858	5999901	COA
<b>FDOA:</b>				
<u>DWM Security Surcharge</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Projects &amp; Grants Budget - Summary</u>	<u>Accounting</u>	
5052	100201	5999999	1512000	
<u>Surcharge Reserve Project</u>	<u>DWM Security Surcharge</u>			
110551	91858			

Section 2: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1682

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF SIX MILLION, THREE HUNDRED SIXTEEN THOUSAND, SIX HUNDRED FIFTY-TWO DOLLARS AND SIXTY-FIVE CENTS (\$6,316,652.65) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE SURCHARGE RESERVE PROJECT; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Skipped	11/17/2016 10:31 AM
Kishia Powell	Completed	11/17/2016 11:28 AM
Patrick McShane	Completed	11/17/2016 11:38 AM
Finance	Completed	11/17/2016 11:43 AM
Information Technology	Skipped	11/17/2016 10:31 AM
Procurement	Skipped	11/17/2016 10:31 AM
Adam Smith	Skipped	11/17/2016 10:31 AM
Mayor's Office	Completed	11/17/2016 12:46 PM
Office of Research and Policy Analysis	Completed	11/22/2016 9:46 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

16-O-1682

Last Updated: 11/22/16

<b>Packet Pg. 39</b>
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**AN ORDINANCE BY  
CITY UTILITIES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF SIX MILLION, THREE HUNDRED SIXTEEN THOUSAND, SIX HUNDRED FIFTY-TWO DOLLARS AND SIXTY-FIVE CENTS (\$6,316,652.65) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE SURCHARGE RESERVE PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta owns and operates a water and wastewater system; and

**WHEREAS**, the City of Atlanta, Department of Watershed Management (“Department”) has realigned or completed projects in the Water and Wastewater Renewal and Extension Fund (5052) and this ordinance facilitates the realignment funding process; and

**WHEREAS**, funds remain appropriated on some projects in the Water and Wastewater Renewal and Extension Fund (5052) that are no longer needed at this time; and

**WHEREAS**, these funds should be transferred to the Surcharge Reserve Project to facilitate the use of the funds for other projects and for other purposes.

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

**Section 1:** That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

**TRANSFER FROM APPROPRIATIONS**

<b>The amount of:</b>	<b>\$3,982,652.65</b>			
<b>PTAEO:</b>				
<u>Hemphill &amp; Chatt. WTP Phase 2</u>	<u>DWM Sec. Surcharge</u>	<u>DWM Security Surcharge</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17110276	103	505291858	5212001	COA
<b>The amount of:</b>	<b>\$100,000.00</b>			
<b>PTAEO:</b>				
<u>Hemphill &amp; Chatt. WTP Phase 2</u>	<u>DWM Sec. Surcharge</u>	<u>DWM Security Surcharge</u>	<u>Equipment \$5K+</u>	<u>City of Atlanta</u>
17110276	103	505291858	5421003	COA
<b>The amount of:</b>	<b>\$2,239,000.00</b>			
<b>PTAEO:</b>				

Attachment: Ord-5052\_Surcharge Project Cleanup to Reserve\_(632165265) (16-O-1682 : Budget Amendment for Realignment from 5052 to

<u>Hemphill &amp; Chatt. WTP Phase 2</u>	<u>DWM Sec. Surcharge</u>	<u>DWM Security Surcharge</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17110276	103	505291858	5414002	COA
<b>FDOA:</b>				
<u>DWM Security Surcharge</u>	<u>DWM Water Treatment Plants-HWTP</u>	<u>Projects and Grants Budget Summary</u>	<u>Treatment</u>	
5052	170242	5999999	4430000	

**ADD TO APPROPRIATIONS**

<b>The amount of:</b>	<b>\$6,321,652.65</b>			
<b>PTAEO:</b>				
<u>Surcharge Reserve Project</u>	<u>DWM H2O Reserves</u>	<u>DWM Security Surcharge</u>	<u>Reserve Conv Class 1</u>	<u>City of Atlanta</u>
10110551	100	505291858	5999901	COA
<b>FDOA:</b>				
<u>DWM Security Surcharge</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Projects &amp; Grants Budget - Summary</u>	<u>Accounting</u>	
5052	100201	5999999	1512000	
<u>Surcharge Reserve Project</u>	<u>DWM Security Surcharge</u>			
110551	91858			

**Section 2:** That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET; AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) owns and operates a water and wastewater system; and

WHEREAS, the City’s Department of Watershed Management (“Department”) desires to have an equity transfer from the Water and Wastewater Revenue Fund (5051) Budget, an intrafund transfer and a transfer of Georgia Environmental Finance Authority (“GEFA”) loan proceeds, all to the Water and Wastewater Renewal and Extension Fund (5052) Budget for the purpose of funding operating and project costs; and

WHEREAS, the Department desires to amend the FY17 Budget for the Water and Wastewater Renewal and Extension Fund (5052) by anticipating and appropriating the transfer of equity, an intrafund transfer and GEFA loan proceeds in the amount of One Hundred Three Million, Forty-Five Thousand, Seven Hundred Fifty-Seven Dollars and Zero Cents (\$103,045,757.00); and

WHEREAS, the Department desires to amend the FY17 Budget for the Water and Wastewater Renewal and Extension Fund (5052) by transferring revenues to the Restricted Water and Wastewater Renewal and Extension Reserves Project in the amount of Forty- Five Million Dollars and Zero cents (\$45,000,000.00).

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

ADD TO ANTICIPATIONS

The amount of: \$27,418,937

FDOA:

Water and

Wastewater

Renewal and

Revenue

Operating Transfer

<u>Extension Fund</u>	<u>Department</u>	<u>From Fund 5051</u>
5052	000002	3912014

The amount of: \$65,738,919

FDOA:

Water and

Wastewater

Renewal and	Revenue
-------------	---------

<u>Extension Fund</u>	<u>Department</u>	<u>Intrafund Transfer</u>
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5052	000002	3890032
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The amount of: \$9,887,901

FDOA:

Water and

Wastewater

Renewal and	Revenue
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<u>Extension Fund</u>	<u>Department</u>	<u>GEFA Loan Proceeds</u>
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5052	000002	3936002
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ADD TO APPROPRIATIONS

The amount of: \$103,045,757

FDOA:

Water and

Wastewater	NDP Reservation
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Renewal and	Of Fund	Reserve Conversion
-------------	---------	--------------------

<u>Extension Fund</u>	<u>Appropriations</u>	<u>Account</u>	<u>Accounting</u>
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5052	200101	5999901	1512000
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Section 2: That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) as follows:

TRANSFER FROM APPROPRIATIONS

**The amount of: \$45,000,000**

**FDOA:**

<u>Water &amp;</u>	<u>NDP</u>	<u>Reserve</u>	<u>Accounting</u>
<u>Wastewater</u>	<u>Reservation of</u>	<u>Conversion</u>	

<u>R&amp;E Fund</u>	<u>Fund</u> <u>Appropriations</u>	<u>Account</u>	
5052	200101	5999901	1512000

ADD TO APPROPRIATIONS

**The amount of:**      **\$45,000,000**

**PTAEO:**

<u>Restricted</u> <u>Water &amp;</u> <u>Wastewater</u> <u>RNE Reserves</u>	<u>Task</u>	<u>Water &amp;</u> <u>Wastewater R&amp;E</u> <u>Fund</u>	<u>Facilities Other</u> <u>Than Buildings</u>	<u>City of</u> <u>Atlanta</u>
20212591	101	505221391	5414002	COA

**FDOA:**

<u>Water &amp;</u> <u>Wastewater</u> <u>R&amp;E Fund</u>	<u>NDP</u> <u>Reservation of</u> <u>Fund</u> <u>Appropriations</u>	<u>Projects and</u> <u>Grants Budget</u> <u>Summary</u>	<u>Accounting</u>
5052	200101	5999999	1512000

<u>Restricted</u> <u>Water &amp;</u> <u>Wastewater</u> <u>RNE Reserves</u>	<u>Water &amp;</u> <u>Wastewater</u> <u>R&amp;E Fund</u>
212591	21391

Section 3: That appropriations in the Water and Wastewater Renewal & Extension Fund (5052) Budget be transferred as follows:

ADD TO AWARD INSTALLMENT

<b>The amount of:</b>	<b>\$45,000,000</b>	<u>R&amp;E Water &amp;</u> <u>Wastewater Fund</u> 505221391
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Section 4: That all ordinances and parts of ordinances in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1683

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET; AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 11:23 AM
Kishia Powell	Completed	11/17/2016 11:38 AM
Finance	Completed	11/17/2016 11:42 AM
Patrick McShane	Completed	11/17/2016 11:53 AM
Mayor's Office	Completed	11/17/2016 12:40 PM
Office of Research and Policy Analysis	Completed	11/22/2016 9:49 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET; AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT - indicate dollar amount: (\$103,045,757.00)**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/2016 [Signature]  
(date)

Reviewed by: [Signature], DC05  
(date) 11/14/16

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview: City Utilities Committee

**Caption: AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET; AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Budget Amendment from Equity Transfer, Intrafund Transfer and GEFA Loan Proceeds to Reserves and Restricted Reserves

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this ordinance is to authorize the Chief Financial Officer to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget in the amount of One Hundred Three Million Forty-Five Thousand Seven Hundred Fifty-Seven Dollars and Zero Cents (\$103,045,757.00) to transfer equity, intra-fund transfer and GEFA loan proceeds from the Water and Wastewater Revenue Fund (5051) to the Water and Wastewater Renewal and Extension Fund (5052); and to transfer Forty-Five Million Dollars and Zero Cents (\$45,000,000) from Reserves to Restricted Reserves.

**2. Please provide background information regarding this legislation.**

The legislation is required to reconcile and amend Watershed Reserves for FY 2017.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**

- (e) Number of Bids/Proposals Received:
- (f) Bidders/Proponents:
- (g) Background:
- (h) Term of Contract:

**4. Fund Account Center:** Multiple sources listed in legislation

**5. Source of Funds:** Unallocated Cash

**6. FISCAL IMPACT**

- Cost will be covered by the Department's current year budget
- Budget neutral -- no monetary impact
- Cost not anticipated in the Department's current year budget --  
see account string in legislation

Or

---



---

Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:**

**Contact Number:**

**First Reading**  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
**Readings**  
 Consent  V Vote  RC Vote

**AN ORDINANCE  
 BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE HUNDRED THREE MILLION, FORTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND ZERO CENTS (\$103,045,757.00) TO ANTICIPATE AND APPROPRIATE THE TRANSFER OF EQUITY, INTRAFUND TRANSFER AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY LOAN PROCEEDS TO THE WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET; AND TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FORTY-FIVE MILLION DOLLARS AND ZERO CENTS (\$45,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE RESTRICTED WATER AND WASTEWATER RENEWAL AND EXTENSION FUND PROJECT; AND FOR OTHER PURPOSES.

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

**CERTIFIED**

Refer To

Refer To

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

**MAYOR'S ACTION**

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Referred To: \_\_\_\_\_

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has realigned or completed projects in the Water and Wastewater Renewal and Extension Fund (5052) and this ordinance facilitates the realignment funding process; and

WHEREAS, funds remain appropriated on some projects in the Water and Wastewater Renewal and Extension Fund (5052) that are no longer needed at this time; and

WHEREAS, these funds should be transferred to the Capital Projects Reserve to facilitate the use of the funds for other projects and for other purposes.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

**TRANSFER FROM APPROPRIATIONS**

<b>The amount of:</b>	<b>\$10,000.00</b>			
<b>PTAEO:</b>				
<u>CSO-West Tunnels</u>	<u>Q38I02679999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Easement</u>	<u>City of Atlanta</u>
17102066	102	505221391	5411002	COA
<b>The amount of:</b>	<b>\$7,962.39</b>			
<b>PTAEO:</b>				
<u>CSO-West Tunnels</u>	<u>Q38I02679999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17102066	102	505221391	5414002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE</u>	<u>DWM Sewer Linear</u>	<u>Projects and Grants Budget</u>	<u>Sewage Collection &amp; Disposal</u>	

<u>Fund</u>	<u>Maint/Repair</u>	<u>Summary</u>		
5052	171002	5999999	4330000	
<u>CSO-West Tunnels</u>	<u>Water &amp; Wastewater RNE Fund</u>			
17102066	21391			
<b>The amount of:</b>	<b>\$484,000.00</b>			
<b>PTAEO:</b>				
<u>Tanyard CSO Facility</u>	<u>Tanyard Ordor Cntr.</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17102351	102	505221391	5414002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5052	171002	5999999	4330000	
<u>Tanyard CSO Facility</u>	<u>Water &amp; Wastewater RNE Fund</u>			
102351	21391			
<b>The amount of:</b>	<b>\$1,332,203.26</b>			
<b>PTAEO:</b>				
<u>South River Basin Relief</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17102648	104	505221391	5212001	COA
<b>The amount of:</b>	<b>\$111,825.00</b>			
<b>PTAEO:</b>				
<u>South River Basin Relief</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Land</u>	<u>City of Atlanta</u>
17102648	104	505221391	5411001	COA
<b>The amount of:</b>	<b>\$111,825.00</b>			
<b>PTAEO:</b>				
<u>South River Basin Relief</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Easement</u>	<u>City of Atlanta</u>
17102648	104	505221391	5411002	COA
<b>The amount of:</b>	<b>\$2,279,815.49</b>			
<b>PTAEO:</b>				
<u>South River Basin Relief</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17102648	104	505221391	5414002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5052	171002	5999999	4330000	

<u>South River Basin Relief</u>	<u>Water &amp; Wastewater RNE Fund</u>			
102648	21391			
<b>The amount of:</b>	<b>\$105,416.10</b>			
<b>PTAEO:</b>				
<u>Small Meter Audit</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17111136	101	505221391	5212001	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Customer Response</u>	<u>Projects and Grants Budget Summary</u>	<u>Customer Service</u>	
5052	171004	5999999	1590000	
<u>Small Meter Audit</u>	<u>Water &amp; Wastewater RNE Fund</u>			
111136	21391			
<b>The amount of:</b>	<b>\$62.25</b>			
<b>PTAEO:</b>				
<u>Land Support Services Project</u>	<u>Land &amp; Easement Spt. Srv.</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17111194	102	505221391	5212001	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5052	171002	5999999	4330000	
<u>Land Support Services Project</u>	<u>Water &amp; Wastewater RNE Fund</u>			
111194	21391			
<b>The amount of:</b>	<b>\$455,000.00</b>			
<b>PTAEO:</b>				
<u>Pipeyard Sub. Cen Whs-Peyton</u>	<u>DWM RNE 9999</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Building Improvements</u>	<u>City of Atlanta</u>
17111491	101	505221391	5413002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Water Linear Mait/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Distribution</u>	
5052	171003	5999999	4440000	
<u>Pipeyard Sub. Cen Whs-Peyton</u>	<u>Water &amp; Wastewater RNE Fund</u>			
111491	21391			
<b>The amount of:</b>	<b>\$25,894.99</b>			
<b>PTAEO:</b>				

<u>WPP-Nancy Creek Basin</u>	<u>WIP Nancy Ck Design</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17111608	101	505221391	5212001	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>DWM Compliance &amp; Inspection</u>	<u>Projects and Grants Budget Summary</u>	<u>Protective Inspection</u>	
5052	170614	5999999	7210000	
<u>WPP-Nancy Creek Basin</u>	<u>Water &amp; Wastewater RNE Fund</u>			
111608	21391			

**ADD TO APPROPRIATIONS**

<b>The amount of:</b>	<b>\$4,924,004.48</b>			
<b>PTAEO:</b>				
<u>Capital Projects Reserve</u>	<u>Task</u>	<u>Water &amp; Wastewater RNE Fund</u>	<u>Facilities Other Than Bldgs/Infrastructure - CIP</u>	<u>City of Atlanta</u>
10200118	135	505221391	5414002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater RNE Fund</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Projects &amp; Grants Budget - Summary</u>	<u>Accounting</u>	
5052	200101	5999999	1512000	
<u>Reserve for Projects</u>	<u>DWM R N E 9999</u>			
200118	21391			

Section 2: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1684

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Skipped	11/17/2016 9:56 AM
Kishia Powell	Completed	11/17/2016 10:15 AM
Finance	Completed	11/17/2016 10:44 AM
Patrick McShane	Completed	11/17/2016 10:46 AM
Information Technology	Skipped	11/17/2016 9:56 AM
Procurement	Skipped	11/17/2016 9:56 AM
Adam Smith	Skipped	11/17/2016 9:56 AM
Mayor's Office	Completed	11/17/2016 11:26 AM
Office of Research and Policy Analysis	Completed	11/22/2016 10:50 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature N/A

**CAPTION**

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

**FINANCIAL IMPACT - indicate dollar amount: \$4,924,004.48**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/10/2016 [Signature] Reviewed by: [Signature] [Signature]  
(date) (date)

Submitted to Council: \_\_\_\_\_ (date)

DC05  
11/16/16

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER & WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Budget Amendment for Funds Realignment Paper from 5052 to Capital Projects Reserve

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this ordinance is to authorize the chief financial officer to amend the FY 2017 Water & Wastewater Renewal and Extension Fund (5052) Budget in the amount of Four Million, Nine Hundred Twenty-Four Thousand, Four Dollars and Forty-Eight Cents (\$4,924,004.48) to transfer funds from realigned or completed projects and add funds to Appropriations for the Capital Projects Reserve.

**2. Please provide background information regarding this legislation.**

The City of Atlanta, Department of Watershed Management has realigned or completed projects that were being funded from the Water & Wastewater Renewal and Extension Fund (5052) Budget. These funds are no longer needed at this time for the stipulated projects, and therefore this legislation will reallocate the funds to the Capital Projects Reserve.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**

(g) **Background:**

(h) **Term of Contract:**

4. **Fund Account Center:** Multiple sources listed in legislation

5. **Source of Funds:** Reverse Funding – Returning funds from various projects back to Reserves

6. **FISCAL IMPACT**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget – see account string in legislation

Or

\_\_\_\_\_

Note

7. **Method of Cost Recovery:** N/A

8. **Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Grace Nix**

**Contact Number: 404.546.3628**

(Do Not Write Above This Line)

<p><b>ORDINANCE</b>  <b>CITY UTILITIES COMMITTEE</b></p> <p><b>ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER &amp; WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND, FOUR DOLLARS AND FORTY-EIGHT CENTS (\$4,924,004.48) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND OR OTHER PURPOSES.</b></p>	<p><b>First Reading</b></p> <p>Committee _____                  Date _____                  Chair _____                  Referred To _____</p> <p>Committee _____                  Date _____                  Chair _____                  Action Fav, Adv, Hold (see rev. side) _____                  Other _____                  Members _____                  Refer To _____</p>	<p>Committee _____                  Date _____                  Chair _____                  Action Fav, Adv, Hold (see rev. side) _____                  Other _____                  Members _____                  Refer To _____</p>	<p><b>FINAL COUNCIL ACTION</b></p> <p><input type="checkbox"/> 2<sup>nd</sup>    <input type="checkbox"/> 1<sup>st</sup> &amp; 2<sup>nd</sup>    <input type="checkbox"/> 3<sup>rd</sup></p> <p>Readings</p> <p><input type="checkbox"/> Consent    <input type="checkbox"/> V Vote    <input type="checkbox"/> RC Vote</p> <p><b>CERTIFIED</b></p> <p><b>MAYOR'S ACTION</b></p>
<p><b>CONSENT REFER</b>  <b>REGULAR REPORT REFER</b>  <b>ADVERTISE &amp; REFER</b>  <b>1<sup>st</sup> ADOPT 2<sup>nd</sup> READ &amp; REFER</b>  <b>PERSONAL PAPER REFER</b></p> <p>Date Referred _____                  Referred To: _____                  Date Referred _____                  Referred To: _____                  Date Referred _____                  Referred To: _____</p>	<p>Committee _____                  Date _____                  Chair _____                  Action Fav, Adv, Hold (see rev. side) _____                  Other _____                  Members _____                  Refer To _____</p>	<p>Committee _____                  Date _____                  Chair _____                  Action Fav, Adv, Hold (see rev. side) _____                  Other _____                  Members _____                  Refer To _____</p>	<p><b>MAYOR'S ACTION</b></p>

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 2009A WATER AND WASTEWATER BOND FUND (5066) BUDGET IN THE AMOUNT OF EIGHT MILLION, TWO HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED TWELVE DOLLARS AND THIRTY-SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has realigned or completed projects in the 2009A Water and Wastewater Bond Fund (5066) and this ordinance facilitates the realignment funding process; and

WHEREAS, funds remain appropriated on some projects in the 2009A Water and Wastewater Bond Fund (5066) that are no longer needed at this time; and

WHEREAS, these funds should be transferred to the Capital Projects Reserve to facilitate the use of the funds for other projects and for other purposes.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 2009A Water and Wastewater Bond Fund (5066) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$917,251.37</b>			
<b>PTAEO:</b>				
<u>South River Basin Relief</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17102648	103	506621876	5414002	COA
<b>The amount of:</b>	<b>\$4,670.12</b>			
<b>PTAEO:</b>				

<u>South River Basin Relief</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17102648	103	506621876	5212001	COA
<b>FDOA:</b>				
<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>DWM Treatment Plants S.R.</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Treatment</u>	
5066	170206	5999999	4335000	
<u>South River Basin Relief</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>			
102648	21876			
<b>The amount of:</b>	<b>\$196,544.11</b>			
<b>PTAEO:</b>				
<u>Sewer Group 1 Rehabilitation</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Fac. Other than Bldgs.</u>	<u>City of Atlanta</u>
17102650	103	506621876	5414002	COA
<b>The amount of:</b>	<b>\$34,426.44</b>			
<b>PTAEO:</b>				
<u>Sewer Group 1 Rehabilitation</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Easement</u>	<u>City of Atlanta</u>
17102650	103	506621876	5411002	COA
<b>FDOA:</b>				
<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5066	171002	5999999	4330000	
<u>Sewer Group 1 Rehabilitation</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>			
102650	21876			
<b>The amount of:</b>	<b>\$66,020.32</b>			
<b>PTAEO:</b>				
<u>Custer Ave. CSO Cap</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater</u>	<u>Consulting</u>	<u>City of Atlanta</u>

<u>Relief</u>		<u>Bond Fund</u>		
17111415	102	506621876	5212001	COA
<b>FDOA:</b>				
<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>DWM Wastewater Treatment Administration</u>	<u>Projects and Grants Budget Summary</u>	<u>Sanitary Administration</u>	
5066	170201	5999999	4310000	
<u>Custer Ave. CSO Cap Relief</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>			
111415	21876			
<b>The amount of:</b>	<b>\$7,000,000.00</b>			
<b>PTAEO:</b>				
<u>Sewer Group 2</u>	<u>DWM 2009A Bond</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Facilities other than Buildings</u>	<u>City of Atlanta</u>
17102445	103	506621876	5414002	COA
<b>FDOA:</b>				
<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>DWM Sewer Linear Repair &amp; Maintenance</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5066	171002	5999999	4330000	
<u>Sewer Group 2</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>			
102445	21876			

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$8,218,912.36</b>			
<b>PTAEO:</b>				
<u>Capital Projects Reserve</u>	<u>Task</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>Facilities Other Than Bldgs/Infrastructure - CIP</u>	<u>City of Atlanta</u>
10200118	135	506621876	5414002	COA
<b>FDOA:</b>				

<u>2009A Water &amp; Wastewater Bond Fund</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Projects &amp; Grants Budget - Summary</u>	<u>Accounting</u>	
5066	200101	5999999	1512000	
<u>Reserve for Projects</u>	<u>2009A Water &amp; Wastewater Bond Fund</u>			
200118	21876			

Section 2: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1685

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 2009A WATER AND WASTEWATER BOND FUND (5066) BUDGET IN THE AMOUNT OF EIGHT MILLION, TWO HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED TWELVE DOLLARS AND THIRTY-SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 11:16 AM
Kishia Powell	Completed	11/17/2016 11:33 AM
Finance	Completed	11/17/2016 11:42 AM
Patrick McShane	Completed	11/17/2016 11:53 AM
Mayor's Office	Completed	11/17/2016 12:15 PM
Office of Research and Policy Analysis	Completed	11/22/2016 10:51 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 2009A WATER AND WASTEWATER BOND FUND (5066) BUDGET IN THE AMOUNT OF EIGHT MILLION, TWO HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED TWELVE DOLLARS AND THIRTY-SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT - indicate dollar amount: (\$8,218,912.36)**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/2016 [Signature]  
(date)

Reviewed by: [Signature]  
(date)

Submitted to Council: \_\_\_\_\_ (date)

11/16/16

**AN ORDINANCE BY CITY UTILITIES COMMITTEE**  
 AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 2009A WATER AND WASTEWATER BOND FUND (5066) BUDGET IN THE AMOUNT OF EIGHT MILLION, TWO HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED TWELVE DOLLARS AND THIRTY-SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

**First Reading**  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
**Readings**  
 Consent  V Vote  RC Vote

**AN ORDINANCE BY CITY UTILITIES COMMITTEE**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_

**CERTIFIED**

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

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

Members \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Chair \_\_\_\_\_

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

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

Members \_\_\_\_\_

Members \_\_\_\_\_

**1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER**

Members \_\_\_\_\_

Members \_\_\_\_\_

**PERSONAL PAPER REFER**

Date Referred: \_\_\_\_\_

\_\_\_\_\_

**MAYOR'S ACTION**

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 BUDGET 2009A WATER AND WASTEWATER BOND (5066) BUDGET, IN THE AMOUNT OF EIGHT MILLION TWO HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWELVE DOLLARS AND THIRTY SIX CENTS (\$8,218,912.36) TO TRANSFER FUNDS FROM REALIGNED, POSTPONED OR DISCONTINUED PROJECTS TO THE CAPITAL PROJECTS RESERVE FOR APPROPRIATIONS AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Realignment paper for Fund 5066

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this ordinance is an ordinance authorizing the Chief Financial Officer to amend the FY 2017 budget 2009A water & wastewater bond fund (5066) budget, in the amount of eight million two hundred eighteen thousand nine hundred twelve dollars and thirty-six cents (\$8,218,912.36) to transfer funds from realigned, postponed or discontinued projects to the capital projects reserve and other projects for appropriations and for other purposes.

**2. Please provide background information regarding this legislation.**

The City of Atlanta Department of Watershed Management has realigned, postponed or discontinued projects in the DWM 2009A water & wastewater bond fund (5066) that are no longer needed at this time for the stipulated projects.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**

Attachment: 5066 LRF (16-O-1685 : Realignment Paper for Fund 5066)

(h) Term of Contract:

**4. Fund Account Center:**

**5. Source of Funds: FDOA: \$8,218,912.36; 5066 (2009A Water & Wastewater Bond Fund) 200101 (NDP Reservation of Funds Appropriations) 5999999 (Projects & Grants Budget Summary) 1512000 (Accounting)**

**6. FISCAL IMPACT**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget – see account string in legislation

Or

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Note

**7. Method of Cost Recovery: N/A**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Tamika Gray**

**Contact Number: 404.546.3395**

Attachment: 5066 LRF (16-O-1685 : Realignment Paper for Fund 5066)

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (5058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has realigned or completed projects in the DWM 2004 Bond Fund (5058) and this ordinance facilitates the realignment funding process; and

WHEREAS, funds remain appropriated on some projects in the DWM 2004 Bond Fund (5058) that are no longer needed at this time; and

WHEREAS, these funds should be transferred to the Capital Projects Reserve to facilitate the use of the funds for other projects and for other purposes.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 DWM 2004 Bond Fund (5058) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$92,805.99</b>			
<b>PTAEO:</b>				
<u>Sewer Group 2 Rehabilitation</u>	<u>Q38I02989999</u>	<u>DWM 2004 BOND 9999</u>	<u>Land</u>	<u>City of Atlanta</u>
17102445	101	505821445	5411001	COA
<b>FDOA:</b>				
<u>DWM 2004 BOND 9999</u>	DWM Sewer Linear Maint/Repair	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5058	171002	5999999	4330000	

<u>Sewer Group 2 Rehabilitation</u>	<u>DWM 2004 BOND 9999</u>			
102445	21445			
<b>The amount of:</b>	<b>\$9,067.80</b>			
<b>PTAEO:</b>				
<u>Land Support Services Project</u>	<u>DWM 2004 Bond</u>	<u>DWM 2004 BOND 9999</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17111194	101	505821445	5212001	COA
<b>FDOA:</b>				
<u>DWM 2004 BOND 9999</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget Summary</u>	<u>Sewage Collection &amp; Disposal</u>	
5058	171002	5999999	4330000	
<u>Land Support Services Project</u>	<u>DWM 2004 BOND 9999</u>			
111194	21445			

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$101,873.79</b>			
<b>PTAEO:</b>				
<u>Capital Projects Reserve</u>	<u>Task</u>	<u>DWM 2004 BOND 9999</u>	<u>Facilities Other Than Bldgs/Infrastructure - CIP</u>	<u>City of Atlanta</u>
10200118	135	505821445	5414002	COA
<b>FDOA:</b>				
<u>DWM 2004 BOND 9999</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Projects &amp; Grants Budget - Summary</u>	<u>Accounting</u>	
5058	200101	5999999	1512000	
<u>Reserve for Projects</u>	<u>DWM 2004 BOND 9999</u>			
200118	21445			

Section 2: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1686

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (5058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 9:49 AM
Kishia Powell	Completed	11/17/2016 10:13 AM
Finance	Completed	11/17/2016 10:14 AM
Patrick McShane	Completed	11/17/2016 10:46 AM
Mayor's Office	Completed	11/17/2016 11:28 AM
Office of Research and Policy Analysis	Completed	11/22/2016 10:57 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (or IT Procurements): N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (5058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT - indicate dollar amount: (\$101,873.79)**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/16/16 [Signature] (date) Reviewed by: [Signature], PCOS (date)

Submitted to Council: \_\_\_\_\_ (date) 11/16/16

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview: City Utilities Committee

**Caption: AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (5058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Budget Amendment for Funds Realignment Paper from 5058 to Capital Projects Reserve

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this ordinance is to authorize the Chief Financial Officer to amend the FY 2017 DWM 2004 Bond Fund (5058) Budget in the amount of One Hundred One Thousand, Eight Hundred Seventy-Three Dollars and Seventy-Nine Cents (\$101,873.79) to transfer funds from realigned or completed projects and add funds to Appropriations for the Capital Projects Reserve.

**2. Please provide background information regarding this legislation.**

The City of Atlanta, Department of Watershed Management has realigned or completed projects that were being funded from the DWM 2004 Bond Fund (5058) Budget. These funds are no longer needed at this time for the stipulated projects, and therefore this legislation will reallocate the funds to the Capital Projects Reserve.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**

(h) Term of Contract:

**4. Fund Account Center:**

**5. Source of Funds:** Reverse Funding

**6. FISCAL IMPACT**

Cost will be covered by the Department's current year budget

Budget neutral – no monetary impact

Cost not anticipated in the Department's current year budget –  
see account string in legislation

Or

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Note

**7. Method of Cost Recovery: N/A**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Tamika Gray**

**Contact Number: 404.546.3395**

<b>First Reading</b>		<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <b>Readings</b> <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
Committee _____	Date _____	
Chair _____	_____	
Referred To _____	_____	

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 DWM 2004 BOND FUND (\$058) BUDGET IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY-NINE CENTS (\$101,873.79) TO TRANSFER FUNDS FROM REALIGNED OR COMPLETED PROJECTS AND ADD FUNDS TO APPROPRIATIONS FOR THE CAPITAL PROJECTS RESERVE; AND FOR OTHER PURPOSES.

<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 <sup>ST</sup> ADOPT 2 <sup>ND</sup> READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER	Date Referred: _____ Referred To: _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	<b>CERTIFIED</b>  <b>MAYOR'S ACTION</b>
	Date Referred: _____ Referred To: _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	

**AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.(HELD 11/15/16 FOR A PUBLIC HEARING)**

WHEREAS, the City of Atlanta ("City") and the Downtown Development Authority of the City of Atlanta ("DDA") each hold certain interests in the real property known as Underground Atlanta, lying and being in Land Lot 77 of the 14th District of Fulton County, Georgia; and

WHEREAS, the City and DDA are abutting property owners to certain City rights-of-way at Underground Atlanta, including Plaza Way ("Plaza Way"), Lower Alabama Street between Central Avenue and Peachtree Street ("Lower Alabama Street"), Upper Alabama Street between Central Avenue and Peachtree Street ("Upper Alabama Street"), Upper Pryor Street between Martin Luther King, Jr. Drive and Wall Street ("Upper Pryor Street"), and Lower Pryor Street between Martin Luther King, Jr. Drive and Wall Street ("Lower Pryor Street"), with such rights-of-way being more fully described or depicted in Exhibit "A" attached hereto and incorporated herein by this reference (collectively, the "Rights-of-Way"); and

WHEREAS, by Ordinance 86-0-2504, adopted by the Atlanta City Council on August 3, 1986 and approved by the Mayor on August 10, 1986, as amended by Ordinance 87-0-1278, the City closed Upper Alabama Street between Central Avenue and Peachtree Street to vehicular traffic and converted such portion of Upper Alabama Street into a pedestrian mall; and

WHEREAS, by Ordinance 00-0-0970, adopted by the Atlanta City Council on August 7, 2000 and approved by the Mayor on August 13, 2000, the City abandoned portions of Upper Alabama Street to DDA on the condition that certain development requirements must be met, but such conditions were never met and no quitclaim deed was ever executed; and

WHEREAS, Plaza Way, Lower Alabama Street and Lower Pryor Street are enclosed and are no longer open to vehicular traffic, and have been continuously operated as a plaza and pedestrian mall for several decades; and

WHEREAS, the City wishes to abandon the Rights-of-Way, subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS:

Section 1. That Plaza Way and those portions of Lower Alabama Street, Upper Alabama Street, Lower Pryor Street, and Upper Pryor Street, being more specifically described or depicted in Exhibit "A" attached hereto, are hereby declared to be no longer needed for public road purposes and are abandoned.

Section 2. That to the extent that the City and DDA are the abutting property owners at issue, the provisions of City Code of Ordinances Section 138-9 including those pertaining to a petition, payment of fees, compensation, negotiations, and notice are hereby waived.

Section 3. That, to the extent the Rights-of-Way are abandoned in favor of DDA or any other third party, the abandonments shall be subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

Section 4. That, to the extent the City is the abutting property owner to such Rights-of-Way, the City is authorized pursuant to City Code Section 138-9(a)(7) to agree to have DDA or another abutting owner acquire the City's pro rata share of the Rights-of-Way to be abandoned, subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

Section 5. That the Mayor or his designee is hereby authorized on behalf of the City to execute a quitclaim deed(s) in favor of DDA and/or another third party, conveying the Rights-of-Way to

such party(ies ), subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

Section 6. The Mayor or his designee is hereby authorized to execute such other and further documents, deeds, agreements, and instruments necessary to effectuate the intent of this ordinance.

Section 7. Such quitclaim deed(s), easement agreement(s), and any related documents will not become binding upon the City and the City will incur no liability thereunder until such documents have been executed by the Mayor or his designee, approved by the City Attorney as to form, attested to by the Municipal Clerk, and delivered to DDA or such other third party.

Section 8. Any ordinances or portions of ordinances in conflict with this ordinance are hereby waived, but only to the extent of the conflict.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1611

SPONSOR SIGNATURES

  
Kwana Hall, Councilmember, District 2

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1611

**AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.(HELD 11/15/16 FOR A PUBLIC HEARING)**

**Workflow List:**

Clerk of Council	Completed	11/08/2016 10:01 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/07/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 11/21/2016 1:00 PM</b>
<b>MOVER:</b>	Alex Wan, Councilmember, District 6	
<b>SECONDER:</b>	Howard Shook, Vice Chair	
<b>AYES:</b>	Archibong, Martin, Adrean, Dickens, Shook, Wan, Sheperd	
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

16-O-1611

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action <i>See Authentication Page Attachment</i></p>	

**AN ORDINANCE  
BY COUNCILMEMBER**

**AN ORDINANCE AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) and the Downtown Development Authority of the City of Atlanta (“DDA”) each hold certain interests in the real property known as Underground Atlanta, lying and being in Land Lot 77 of the 14th District of Fulton County, Georgia; and

**WHEREAS**, the City and DDA are abutting property owners to certain City rights-of-way at Underground Atlanta, including Plaza Way (“Plaza Way”), Lower Alabama Street between Central Avenue and Peachtree Street (“Lower Alabama Street”), Upper Alabama Street between Central Avenue and Peachtree Street (“Upper Alabama Street”), Upper Pryor Street between Martin Luther King, Jr. Drive and Wall Street (“Upper Pryor Street”), and Lower Pryor Street between Martin Luther King, Jr. Drive and Wall Street (“Lower Pryor Street”), with such rights-of-way being more fully described or depicted in Exhibit “A” attached hereto and incorporated herein by this reference (collectively, the “Rights-of-Way”); and

**WHEREAS**, by Ordinance 86-O-2504, adopted by the Atlanta City Council on August 3, 1986 and approved by the Mayor on August 10, 1986, as amended by Ordinance 87-O-1278, the City closed Upper Alabama Street between Central Avenue and Peachtree Street to vehicular traffic and converted such portion of Upper Alabama Street into a pedestrian mall; and

**WHEREAS**, by Ordinance 00-O-0970, adopted the Atlanta by City Council on August 7, 2000 and approved by the Mayor on August 13, 2000, the City abandoned portions of Upper Alabama Street to DDA on the condition that certain development requirements must be met, but such conditions were never met and no quitclaim deed was ever executed; and

**WHEREAS**, Plaza Way, Lower Alabama Street and Lower Pryor Street are enclosed and are no longer open to vehicular traffic, and have been continuously operated as a plaza and pedestrian mall for several decades; and

**WHEREAS**, the Commissioner of the Department of Public Works has determined that the Rights-of-Way are no longer needed for public road purposes and should be abandoned; and

**WHEREAS**, the City has performed a traffic analysis of the area and has determined that the Rights-of-Way are not necessary for traffic flow in the area, and abandonment of the Rights-of-Way will enhance pedestrian connectivity for Underground Atlanta; and

**WHEREAS**, the City wishes to abandon the Rights-of-Way, subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

**THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**Section 1.** That Plaza Way and those portions of Lower Alabama Street, Upper Alabama Street, Lower Pryor Street, and Upper Pryor Street, being more specifically described or depicted in **Exhibit "A"** attached hereto, are hereby declared to be no longer needed for public road purposes and are abandoned.

**Section 2.** That to the extent that the City and DDA are the abutting property owners at issue, the provisions of City Code of Ordinances Section 138-9 including those pertaining to a petition, payment of fees, compensation, negotiations, and notice are hereby waived.

**Section 3.** That, to the extent the Rights-of-Way are abandoned in favor of DDA or any other third party, the abandonments shall be subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

**Section 4.** That, to the extent the City is the abutting property owner to such Rights-of-Way, the City is authorized pursuant to City Code Section 138-9(a)(7) to agree to have DDA or another abutting owner acquire the City's pro rata share of the Rights-of-Way to be abandoned, subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

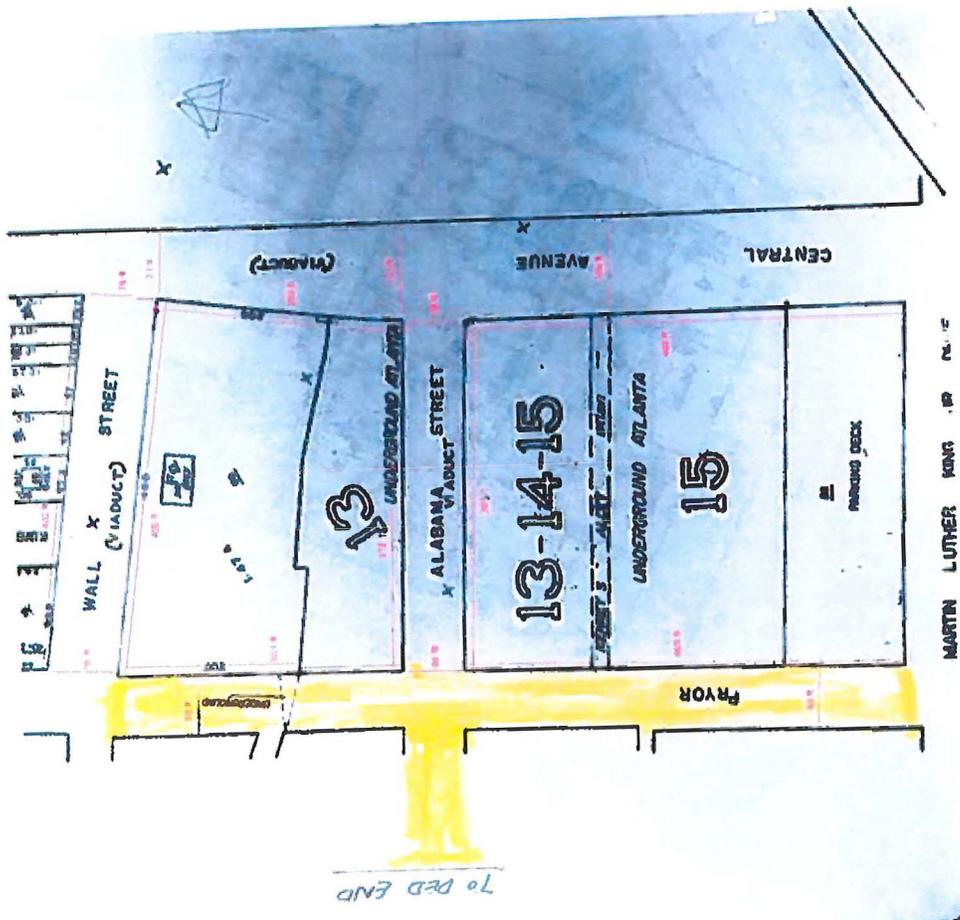
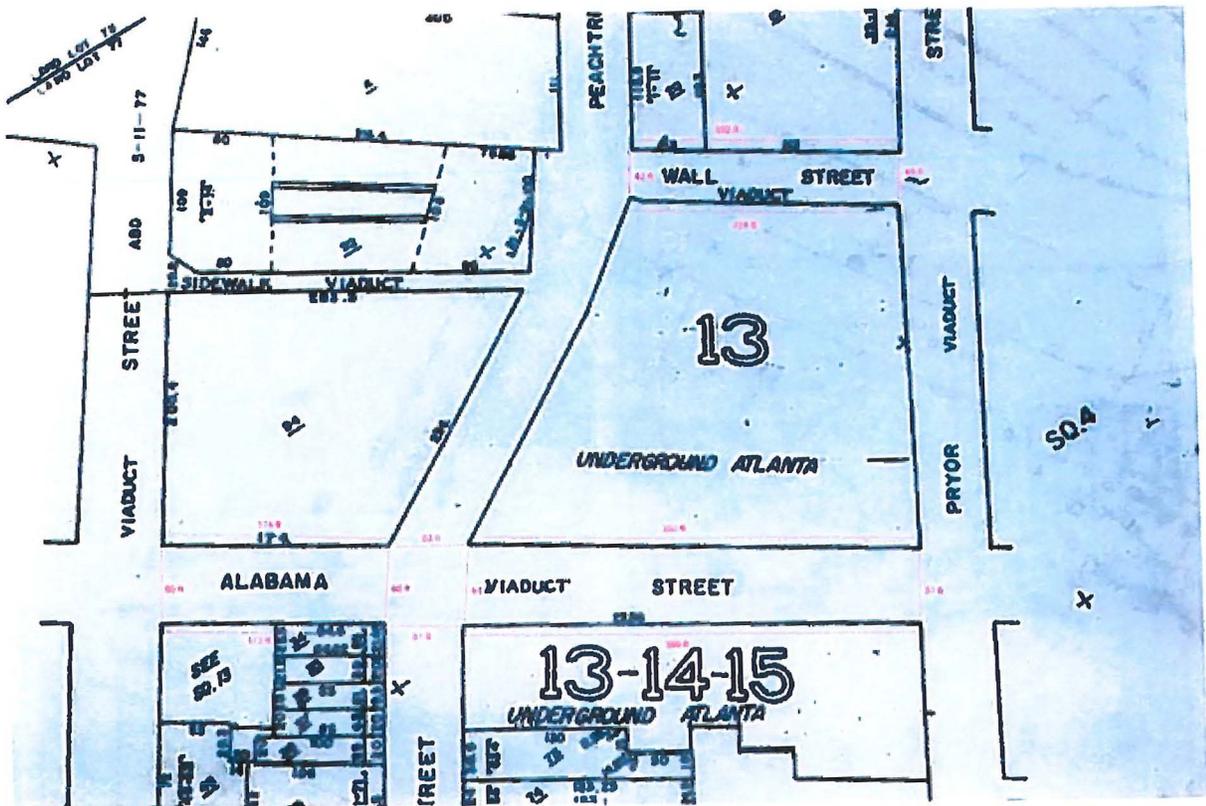
**Section 5.** That the Mayor or his designee is hereby authorized on behalf of the City to execute a quitclaim deed(s) in favor of DDA and/or another third party, conveying the Rights-of-Way to such party(ies), subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

**Section 6.** The Mayor or his designee is hereby authorized to execute such other and further documents, deeds, agreements, and instruments necessary to effectuate the intent of this ordinance.

**Section 7.** Such quitclaim deed(s), easement agreement(s), and any related documents will not become binding upon the City and the City will incur no liability thereunder until such

documents have been executed by the Mayor or his designee, approved by the City Attorney as to form, attested to by the Municipal Clerk, and delivered to DDA or such other third party.

**Section 8.** Any ordinances or portions of ordinances in conflict with this ordinance are hereby waived, but only to the extent of the conflict.



Attachment: 11 PLAZA WAY (16-O-1611 : LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview: CITY UTILITIES COMMITTEE

**Caption:**

**AN ORDINANCE AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

Council Meeting Date: November 21, 2016

Legislation Title: ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET

Requesting Dept.: THE DEPARTMENT OF PUBLIC WORKS

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purposes of this legislation is to abandon the Rights-of-Way, subject to (1) any rights of MARTA and the State of Georgia, (2) a reservation of easements for public and existing private utilities over, under, across and through such Rights-of-Way, and (3) a reservation of access easements until such time as the Central Avenue Viaduct has been replaced and reopened.

**2. Please provide background information regarding this legislation.**

The City and the Downtown Development Authority of the City of Atlanta each hold certain interests in the real property known as Underground Atlanta, lying and being in Land Lot 77 of the 14th District of Fulton County, Georgia. The City and DDA are abutting property owners to certain City rights-of-way at Underground Atlanta, including Plaza Way, Lower Alabama Street between Central Avenue and Peachtree Street, Upper Alabama Street between Central Avenue and Peachtree Street, Upper Pryor Street between Martin Luther King, Jr. Drive and Wall Street,

and Lower Pryor Street between Martin Luther King, Jr. Drive and Wall Street, with such rights-of-way being more fully described or depicted in **Exhibit "A"** attached hereto and incorporated herein by this reference.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**
- (h) **Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. FISCAL IMPACT**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget – see account string in legislation

Or

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Note

**7. Method of Cost Recovery:**

**8. Approvals:  
DOF:**

Attachment: 11 PLAZA WAY (16-O-1611 : LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY)

**DOL:**

**This Legislative Request Form Was Prepared By: Cotena Alexander  
Contact Number: 404-330-6240**

**Attachment: 11 PLAZA WAY (16-O-1611 : LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY)**

16-O-

(Do Not Write Above This Line)

First Reading

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

FINAL COUNCIL ACTION

2<sup>nd</sup>     1<sup>st</sup> & 2<sup>nd</sup>     3<sup>rd</sup>  
Readings  
 Consent     V Vote     RC Vote

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF PLAZA WAY AND PORTIONS OF LOWER ALABAMA STREET, UPPER ALABAMA STREET, LOWER PRYOR STREET, AND UPPER PRYOR STREET, LYING AND BEING IN LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED(S) OF SUCH ABANDONMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; WAIVING CERTAIN REQUIREMENTS OF SECTION 138-9 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

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

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred  
Referred To:

11/7/2016  
Finance/Exec

Date Referred  
Referred To:

Date Referred:

Referred 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 \_\_\_\_\_

MAYOR'S ACTION

Attachment: 11 PLAZA WAY (16-O-1611 : LAND LOT 77 OF THE 14TH DISTRICT OF FULTON COUNTY)

**AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) is certified as a Local Issuing Authority under the Georgia Erosion and Sedimentation Act of 1975 (“Act”); and

WHEREAS, the Act requires the City to amend its Soil Erosion, Sedimentation, and Pollution Control ordinance in response to any amendment to the Act to maintain its status as a Local Issuing Authority; and

WHEREAS, the Act was amended in 2015 and the Georgia Environmental Protection Division and the Georgia Soil and Water Conservation revised its model Soil Erosion, Sedimentation and Pollution Control ordinance to reflect changes made in the Act and the State’s General Permit; and

WHEREAS, it is in the best interest of the City to amend Article II (Soil Erosion, Sedimentation, and Pollution Control) to comply with the model Soil Erosion, Sedimentation and Pollution Control ordinance from the Georgia Environmental Protection Division and the Georgia Soil and Water Conservation to retain its status as a Local Issuing Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Chapter 74, Article II, Section 74-37 of the City of Atlanta Code of Ordinances shall be amended to add a new subsection (7.5) to read as follows:

*CPESC* means a Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

SECTION 2: That Chapter 74, Article II, Section 74-37(10), of the City of Atlanta Code of Ordinances shall be amended to read as follows:

*Design professional* means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc.

Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

SECTION 3: That Chapter 74, Article II, Section 74-37(19), of the City of Atlanta Code of Ordinances shall be amended to read as follows:

*Final stabilization* means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

SECTION 4: That Chapter 74, Article II, Section 74-37(49), of the City of Atlanta Code of Ordinances shall be amended to read as follows:

*Trout Streams* means all streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

SECTION 5: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed only to the extent of conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1642

**AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.**

**Workflow List:**

Kishia Powell	Completed	11/03/2016 4:21 PM
Finance	Completed	11/03/2016 4:27 PM
Patrick McShane	Completed	11/03/2016 6:06 PM
Procurement	Skipped	11/04/2016 9:15 AM
Adam Smith	Skipped	11/04/2016 9:14 AM
Mayor's Office	Completed	11/04/2016 9:21 AM
Office of Research and Policy Analysis	Completed	11/09/2016 7:32 AM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/15/16	City Utilities Committee	
11/21/16	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE BY CONSENT VOTE [13 TO 0]Next: 11/29/2016 9:30 AM</b>
<b>MOVER:</b>	Alex Wan, Councilmember, District 6
<b>SECONDER:</b>	Ivory Lee Young Jr., Councilmember, District 3
<b>AYES:</b>	Bond, Norwood, Dickens, Hall, Young Jr., Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
<b>ABSENT:</b>	Cleta Winslow
<b>AWAY:</b>	Carla Smith

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi Walker

Contact Number: (404) 546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: October 28, 2016

Anticipated Committee Meeting Date(s): November 15, 2016

Anticipated Full Council Date: November 21, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature] 10.26.16

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

**AN ORDINANCE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.**

**FINANCIAL IMPACT - indicate dollar amount: (N/A)**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: [Signature] 10-28-16  
(date)

Reviewed by: [Signature]  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:**

AN ORDINANCE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.

**Council Meeting Date:** November 21, 2016

**Legislation Title:** Soil Erosion and Sedimentation Control Ordinance Amendment

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

This ordinance will amend Article II of Chapter 74 entitled "Soil Erosion, Sedimentation, and Pollution Control" (74-36 *et seq.*) to comply with requirements of the Georgia Erosion and Sedimentation Act of 1975 and amendments to the state's current model ordinance.

**2. Please provide background information regarding this legislation.**

The Georgia Erosion and Sedimentation Act of 1975 ("the Act") requires the City to amend its ordinance within 12 months of any amendment to the Georgia Erosion and Sedimentation Act of 1975 in order to maintain its status as a Local Issuing Authority.

The City is required to amend its Soil Erosion and Sedimentation Control Ordinance to incorporate required changes by December 31. These are minor changes primarily consisting of clarifications of several terms in the Definitions section.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**

- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**
- (h) **Term of Contract:**

**4. Fund Account Center:** N/A

**5. Source of Funds:** N/A

**6. FISCAL IMPACT**

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget –  
see account string in legislation

Or

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Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:** Susan Rutherford

**Contact Number:** 404-546-1251



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, NW  
Atlanta, Georgia 30303

Kishia L. Powell  
COMMISSIONER

### MEMORANDUM

**TO:** Kishia L. Powell, Commissioner

**FROM:** Jay Ash, Deputy Commissioner *JA*

**DATE:** October 26, 2016

**Re:** Soil Erosion and Sedimentation Control Ordinance Amendment

This is to request the submittal of the attached Legislative Request Form and ordinance for City Council approval. This ordinance will amend Article II of Chapter 74 entitled "Soil Erosion and Sedimentation Control" (74-36 et seq.) to comply with requirements of the Georgia Erosion and Sedimentation Act of 1975 and amendments to the state's current model ordinance.

The Georgia Erosion and Sedimentation Act of 1975 ("the Act") requires the City to amend its ordinance within 12 months of any amendment to the Georgia Erosion and Sedimentation Act of 1975 in order to maintain its status as a Local Issuing Authority. The City must amend its Soil Erosion and Sedimentation Control Ordinance to incorporate required changes by December 31. These are minor changes primarily consisting of clarifications of terms in the Definitions section.

**First Reading**

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

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
**Readings**  
 Consent  V Vote  RC Vo

**AN ORDINANCE BY  
 CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE II (SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL), SECTION 74-37 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO COMPLY WITH CHANGES IN THE MODEL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE FROM THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred 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**

**MAYOR'S ACTION**

**AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") is authorized by Atlanta City Charter Section 1-102(10) to grant franchises for public utilities; and

WHEREAS, pursuant to a Resolution adopted by the City of Atlanta Board of Aldermen on December 5, 1965 and approved by the Mayor on December 8, 1965, the City entered into a franchise agreement ("1965 franchise agreement") with the Georgia Power Company("franchise holder") for a term of ninety-nine (99) years; and

WHEREAS, from 2013 through 2015, the average annual revenue that the City received from the Company generated by the Franchise Agreement is approximately \$31 Million Dollars; and

WHEREAS, the City now desires to modify the financial terms of the 1965 franchise agreement, (attached hereto as Exhibit A) by executing Amendment No. I to the Agreement, in substantially the form attached hereto as Exhibit B.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS AS FOLLOWS:

Section 1: The Mayor is authorized to execute Amendment No. 1 to the 1965 Franchise Agreement (Exhibit A) in substantially the form attached hereto as Exhibit B and incorporated herein by reference.

Section 2: The City Attorney is directed to prepare any and all additional documents required to effect such agreement.

Section 3: Amendment No. I shall not become binding on the City and the City shall incur no liability thereon until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the franchise holder.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1667

SPONSOR SIGNATURES



Ivory Lee Younger, Councilmember District 3

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1667

**AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 12:15 PM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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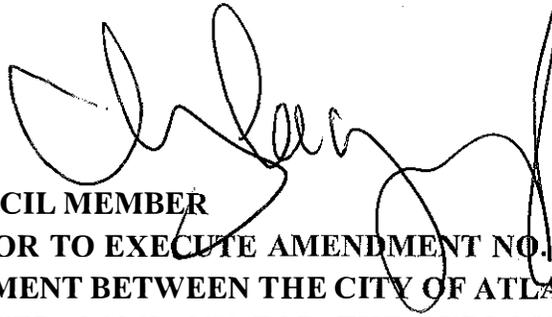
<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/29/2016 9:30 AM</b>
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16-O-1667

AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

**AN ORDINANCE BY  
COUNCIL MEMBER**



**AN ORDINANCE BY COUNCIL MEMBER  
AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO  
THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA  
AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF  
MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE  
INSTALLATION, OPERATION, AND MAINTENANCE OF AN  
ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM  
WITHIN THE CITY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) is authorized by Atlanta City Charter Section 1-102(10) to grant franchises for public utilities; and

**WHEREAS**, pursuant to a Resolution adopted by the City of Atlanta Board of Aldermen on December 5, 1965 and approved by the Mayor on December 8, 1965, the City entered into a franchise agreement (“1965 franchise agreement”) with the Georgia Power Company (“franchise holder”) for a term of ninety-nine (99) years; and

**WHEREAS**, from 2013 through 2015, the average annual revenue that the City received from the Company generated by the Franchise Agreement is approximately \$31 Million Dollars; and

**WHEREAS**, the City now desires to modify the financial terms of the 1965 franchise agreement, (attached hereto as Exhibit A) by executing Amendment No. 1 to the Agreement, in substantially the form attached hereto as Exhibit B.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY  
ORDAINS AS FOLLOWS:**

**Section 1:** The Mayor is authorized to execute Amendment No. 1 to the 1965 Franchise Agreement (Exhibit A) in substantially the form attached hereto as Exhibit B and incorporated herein by reference.

**Section 2:** The City Attorney is directed to prepare any and all additional documents required to effect such agreement.

**Section 3:** Amendment No. 1 shall not become binding on the City and the City shall incur no liability thereon until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the franchise holder.

**Section 4:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

<p>(Do Not Write Above This Line)</p>	<b>First Reading</b>		<b>FINAL COUNCIL ACTION</b> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
	<p>AN ORDINANCE BY COUNCIL MEMBER <i>[Signature]</i></p> <p>AN ORDINANCE BY COUNCIL MEMBER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER COMPANY FOR THE PURPOSE OF MODIFYING THE TERMS OF THE FRANCHISE GRANTED FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.</p>	<p style="text-align: center;">Committee</p> <p style="text-align: center;">Date</p> <p style="text-align: center;">Chair</p> <p style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</p> <p style="text-align: center;">Members</p> <p style="text-align: center;">Refer To</p>	<p style="text-align: center;">Committee</p> <p style="text-align: center;">Date</p> <p style="text-align: center;">Chair</p> <p style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</p> <p style="text-align: center;">Members</p> <p style="text-align: center;">Refer To</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE &amp; REFER</p> <p><input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</p> <p><input checked="" type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred: <i>11/21/2016</i></p> <p>Referred To: <i>City Utilities</i></p> <p>Date Referred:</p> <p>Referred To:</p> <p>Date Referred:</p> <p>Referred To:</p>	<p style="text-align: center;">Committee</p> <p style="text-align: center;">Date</p> <p style="text-align: center;">Chair</p> <p style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</p> <p style="text-align: center;">Members</p> <p style="text-align: center;">Refer To</p>	<p style="text-align: center;">Committee</p> <p style="text-align: center;">Date</p> <p style="text-align: center;">Chair</p> <p style="text-align: center;">Action Fav, Adv, Hold (see rev. side) Other</p> <p style="text-align: center;">Members</p> <p style="text-align: center;">Refer To</p>	<p>MAYOR'S ACTION</p>

Attachment: 31 GEORGIA POWER AGREEMENT (16-O-1667 : Franchise Agreement with Georgia Power)

# EXHIBIT A

RESOLUTION

BY FINANCE COMMITTEE

TO AUTHORIZE THE MAYOR TO EXECUTE A NEW  
FRANCHISE AGREEMENT WITH THE GEORGIA POWER  
COMPANY

WHEREAS, the Georgia Power Company for many years has operated under a Franchise Ordinance adopted on the 27th day of January, 1902 by the General Council of the City of Atlanta, concurred in by the Board of Aldermen on the 29th day of January, 1902, and approved by the Mayor on the 8th day of February, 1902, which ordinance is indefinite as to its duration; and

WHEREAS, the Georgia Power Company has been paying to the City of Atlanta for its franchise rights the sum of 3% of its gross revenues received from the sale of electricity and steam within the City of Atlanta and a radius of seven miles; and

WHEREAS, under a new Franchise Agreement between the City of Atlanta and the Georgia Power Company, the Georgia Power Company shall pay to the City of Atlanta the sum of 4% of its gross revenues received from the sale of electricity and steam in the City of Atlanta, resulting in higher revenue to the City, and receive in return a franchise to use the streets, alleys and public places of the City for the distribution of electric energy and steam for a period of ninety-nine (99) years; and

WHEREAS, it is deemed to be in the best interests of both parties that a new and more definite Franchise Agreement be entered into; and

WHEREAS, it is deemed desirable and to be to the advantage of the City of Atlanta to enter into such a Franchise Agreement, now, therefore,

BE IT RESOLVED by the Mayor and Board of Aldermen that the Mayor of Atlanta be and he is hereby authorized to execute on behalf of the City of Atlanta a new Franchise Agreement with the Georgia Power Company, a copy of which Agreement is attached hereto marked "Exhibit A" and by reference made a part of this Resolution.

G E O R G I A  
FULTON COUNTY

THIS AGREEMENT, entered into the 8th day of  
December, 1965, between the CITY OF ATLANTA, hereinafter  
referred to as the "City," and the GEORGIA POWER COMPANY, here-  
inafter referred to as the "Company."

W I T N E S S E T H:

WHEREAS, the Company for many years has operated  
under a Franchise Ordinance adopted on the 27th day of January,  
1902, by the General Council of the City of Atlanta, concurred  
in by the Board of Aldermen on the 29th day of January, 1902,  
and approved by the Mayor on the 8th day of February, 1902,  
which Ordinance is indefinite as to its duration; and

WHEREAS, it is deemed to be in the best interests of  
both parties that a new and more definite Franchise Agreement  
be entered into;

NOW, THEREFORE, in consideration of the premises and  
the benefits flowing from this Contract to each party hereto  
and in further consideration of the agreements and covenants  
made herein, the parties hereto agree and covenant as follows:

1.

The Company shall have the right to occupy and use the  
streets, alleys and public places of the City within its present  
and future limits for a period of ninety-nine (99) years as the  
Company may from time to time deem proper for the overhead and  
underground installation, operation, and maintenance of equip-  
ment and appliances necessary or useful in connection with the

transmission and distribution of electric energy and steam, together with the right to cut and trim trees and shrubbery growing on City property when and where necessary in the judgment of the Company to insure safe and efficient service.

## 2.

The said rights are granted to the Company upon the following terms and conditions:

1(a). The Company shall pay into the Treasury of the City on or before the first day of February of each year, beginning with the year 1966, and continuing during the subsistence of this franchise, a sum equal to 4% of the amount received by Company from gross sales of electric energy and steam to its customers within the City limits during the preceding calendar year. However, until the first calendar year in which 4% of such sales is equal to or greater than \$1,920,000.00 the Company shall pay to the City said sum of \$1,920,000.00

1(b). The method of determining the amount and rate of payment for the grant of this franchise by the City to the Company shall be renegotiated every twenty-fifth year during the life of this franchise agreement at the request of either party hereto. It is understood that this provision is in no way a limitation upon the ninety-nine (99) year franchise period and imposes on the parties only an obligation to enter into good faith negotiations at the request of either party for a change in the amount or rate of payment the Company shall pay to the City. In the event no agreement can be reached concerning a requested change in the amount or rate of payment, the payment provided for herein shall continue.

1(c). Except as hereinafter provided no such payments shall be due in respect to any calendar year: (1) during which the City at any time acquires, leases or operates an electric generation, transmission or distribution (or any combination of these) system, or (2) during which the City grants to another entity the right to use the streets for distribution of electric energy unless said grant is upon the same general terms and conditions as those imposed herein, excluding that portion of this agreement providing for the granting of a franchise for a period of ninety-nine (99) years.

In the event the City acquires such an electric system as a result of the City's annexation of a municipality which theretofore operated its own system, then the City shall sell and the Company shall purchase such system at a fair price to be negotiated between the Company and the City, which price shall in no event be less than the total sum of revenue certificates, revenue bonds, and any other indebtedness outstanding against said system on the date of said annexation. It is understood that there shall be no abatement of the payment or payments hereinabove specified in Section 2, Paragraph 1(a) as a result of the acquisition by the City of an electric generation, transmission or distribution (or any combination of these) system from such annexed municipality; however, all sales of electrical energy made on a wholesale basis by the Company to the City as a result of the City's acquisition of such electric system from an annexed municipality shall not be included in the amount received by Company from gross sales of electric energy and steam to its customers within the City limits from which amount the 4% payment is derived.

Should the sale of such annexed system not be effected within three (3) years following the date of annexation, then no payment required under Section 2, Paragraph 1(a) shall be due or payable until such time as such sale is finally consummated.

2. The payment of the said percentage of gross sales shall be in lieu of all fees and taxes which the City may impose on the Company, except service charges, ad valorem taxes on property other than this franchise, and license fees and taxes on appliance sales.

3. The Company while installing, operating, maintaining its equipment and appliances, and otherwise operating under this agreement shall be subject to all codes, ordinances and regulations of the City.

4. All sidewalks and street improvements displaced by the Company shall be replaced by the Company at its own expense to the satisfaction of the City. Upon written notice to the Company by the City, in the valid exercise by the City of its police power, the Company shall remove at the Company's expense, within a reasonable time, any equipment or facilities located within, below, upon or over the City's streets, sidewalks or rights-of-way.

5. The Company shall indemnify and save harmless the City from and against all damages to persons or property arising out of the installation, operation, or maintenance of the Company's equipment and appliances, provided that written notification of claims and suits thus arising is given to the Company within thirty (30) days following receipt of notice of claim, if any such notice is given to the City, and within ten (10) days following service of suit.

3.

The rights granted hereunder from the City to the Company shall inure to the benefit of and the obligations imposed hereunder shall be binding upon the Company's successors, lessees, and assigns.

4.

This Franchise Agreement has been approved by the Board of Aldermen and the Mayor has been authorized to execute said Agreement by Resolution adopted by the Board of Aldermen of the City of Atlanta on the 5th day of December 1965, and approved by the Mayor on the 5th day of December, 1965.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date first above written.

GEORGIA POWER COMPANY

Corporate Seal

By [Signature]  
Chairman of the Board and  
Chief Executive Officer

By [Signature]  
Secretary

APPROVED AS TO FORM

[Signature]  
City Attorney

CITY OF ATLANTA

By [Signature]  
Mayor

CERTIFIED  
DEC 8 2004  
Public Works Dept.

APPROVED  
DEC 8 2004

151

✓ 20-448

RESOLUTION  
BY FINANCE COMMITTEE

TO APPROVE THE MAYOR TO  
EXERCISE A NEW FRANCHISE AGREEMENT  
HEREIN WITH THE GEORGIA POWER  
COMPANY

APPROVED  
DEC 8 2004  
City Manager

1200 19th ST  
ATLANTA GA 30333  
DEC 8 2004

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**RESOLUTION**

**BY FINANCE COMMITTEE**

**TO AUTHORIZE THE MAYOR TO EXECUTE A NEW  
FRANCHISE AGREEMENT WITH THE GEORGIA POWER  
COMPANY**

WHEREAS, the Georgia Power Company for many years has operated under a Franchise Ordinance adopted on the 27th day of January, 1902 by the General Council of the City of Atlanta, concurred in by the Board of Aldermen on the 29th day of January, 1902, and approved by the Mayor on the 8th day of February, 1902, which ordinance is indefinite as to its duration; and

WHEREAS, the Georgia Power Company has been paying to the City of Atlanta for its franchise rights the sum of 3% of its gross revenues received from the sale of electricity and steam within the City of Atlanta and a radius of seven miles; and

WHEREAS, under a new Franchise Agreement between the City of Atlanta and the Georgia Power Company, the Georgia Power Company shall pay to the City of Atlanta the sum of 4% of its gross revenues received from the sale of electricity and steam in the City of Atlanta, resulting in higher revenue to the City, and receive in return a franchise to use the streets, alleys and public places of the City for the distribution of electric energy and steam for a period of ninety-nine (99) years; and

WHEREAS, it is deemed to be in the best interests of both parties that a new and more definite Franchise Agreement be entered into; and

12/17/2004 10:12 AM FAX 000 1318 PUBLIC WORKS 404 518 404

WHEREAS, it is deemed desirable and to be to the advantage of the City of Atlanta to enter into such a Franchise Agreement, now, therefore,

BE IT RESOLVED by the Mayor and Board of Aldermen that the Mayor of Atlanta be and he is hereby authorized to execute on behalf of the City of Atlanta a new Franchise Agreement with the Georgia Power Company, a copy of which Agreement is attached hereto marked "Exhibit A" and by reference made a part of this Resolution.

**GEORGIA  
FULTON COUNTY**

**THIS AGREEMENT**, entered into the \_\_\_\_\_ day of \_\_\_\_\_, 1965, between the **CITY OF ATLANTA**, hereinafter referred to as the "City," and the **GEORGIA POWER COMPANY**, hereinafter referred to as the "Company."

**W I T N E S S E T H**

**WHEREAS**, the Company for many years has operated under a Franchise Ordinance adopted on the 27th day of January, 1902, by the General Council of the City of Atlanta, concurred in by the Board of Aldermen on the 29th day of January, 1902, and approved by the Mayor on the 8th day of February, 1902, which Ordinance is indefinite as to its duration; and

**WHEREAS**, it is deemed to be in the best interests of both parties that a new and more definite Franchise Agreement be entered into;

**NOW, THEREFORE**, in consideration of the premises and the benefits flowing from this Contract to each party hereto and in further consideration of the agreements and covenants made herein, the parties hereto agree and covenant as follows:

1.

The Company shall have the right to occupy and use the streets, alleys and public places of the City within its present and future limits for a period of ninety-nine (99) years as the Company may from time to time deem proper for the overhead and underground installation, operation, and maintenance of equipment and appliances necessary or useful in connection with the

"EXHIBIT A"

transmission and distribution of electric energy and steam, together with the right to cut and trim trees and shrubbery growing on City property when and where necessary in the judgment of the Company to insure safe and efficient service.

2.

The said rights are granted to the Company upon the following terms and conditions:

1(a). The Company shall pay into the Treasury of the City on or before the first day of February of each year, beginning with the year 1966, and continuing during the subsistence of this franchise, a sum equal to 4% of the amount received by Company from gross sales of electric energy and steam to its customers within the City limits during the preceding calendar year. However, until the first calendar year in which 4% of such sales is equal to or greater than \$1,920,000, the Company shall pay to the City said sum of \$1,920,000.00

1(b). The method of determining the amount and rate of payment for the grant of this franchise by the City to the Company shall be renegotiated every twenty-fifth year during the life of this franchise agreement at the request of either party hereto. It is understood that this provision is in no way a limitation upon the ninety-nine (99) year franchise period and imposes on the parties only an obligation to enter into good faith negotiations at the request of either party for a change in the amount or rate of payment the Company shall pay to the City. In the event no agreement can be reached concerning a requested change in the amount or rate of payment, the payment provided for herein shall continue.

1.9.b

1(c). Except as hereinafter provided no such payment shall be due in respect to any calendar year: (1) during which the City at any time acquires, leases or operates an electric generation, transmission or distribution (or any combination of these) system, or (2) during which the City grants to another entity the right to use the streets for distribution of electric energy unless said grant is upon the same general terms and conditions as those imposed herein, excluding that portion of this agreement providing for the granting of a franchise for a period of ninety-nine (99) years.

In the event the City acquires such an electric system as a result of the City's annexation of a municipality which theretofore operated its own system, then the City shall sell and the Company shall purchase such system at a fair price to be negotiated between the Company and the City, which price shall in no event be less than the total sum of revenue certificates, revenue bonds, and any other indebtedness outstanding against said system on the date of said annexation. It is understood that there shall be no abatement of the payment or payments hereinabove specified in Section 2, Paragraph 1(a) as a result of the acquisition by the City of an electric generation, transmission or distribution (or any combination of these) system from such annexed municipality; however, all sales of electrical energy made on a wholesale basis by the Company to the City as a result of the City's acquisition of such electric system from an annexed municipality shall not be included in the amount received by Company from gross sales of electric energy and stems to its customers within the City limits from which amount the 4% payment is derived.

Should the sale of such annexed system not be effected within three (3) years following the date of annexation, then no payment required under Section 3, Paragraph 1(a) shall be due or payable until such time as such sale is finally consummated.

2. The payment of the said percentage of gross sales shall be in lieu of all fees and taxes which the City may impose on the Company, except service charges, ad valorem taxes on property other than this franchise, and license fees and taxes on appliance sales.

3. The Company while installing, operating, maintaining its equipment and appliances, and otherwise operating under this agreement shall be subject to all codes, ordinances and regulations of the City.

4. All sidewalks and street improvements displaced by the Company shall be replaced by the Company at its own expense to the satisfaction of the City. Upon written notice to the Company by the City, in the valid exercise by the City of its police power, the Company shall remove at the Company's expense, within a reasonable time, any equipment or facilities located within, below, upon or over the City's streets, sidewalks or rights-of-way.

5. The Company shall indemnify and save harmless the City from and against all damages to persons or property arising out of the installation, operation, or maintenance of the Company's equipment and appliances, provided that written notification of claims and suits thus arising is given to the Company within thirty (30) days following receipt of notice of claim, if any such notice is given to the City, and within ten (10) days following service of suit.

3.

The rights granted hereunder from the City to the Company shall inure to the benefit of and the obligations imposed hereunder shall be binding upon the Company's successors, assigns, and assigns.

4.

This Franchise Agreement has been approved by the Board of Aldermen and the Mayor has been authorized to execute said Agreement by Resolution adopted by the Board of Aldermen of the City of Atlanta on the \_\_\_\_\_ day of \_\_\_\_\_, 1965, and approved by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 1965.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date first above written.

GEORGIA POWER COMPANY

Corporate Seal

By \_\_\_\_\_  
Chairman of the Board and  
Chief Executive Officer

By \_\_\_\_\_  
Secretary

APPROVED AS TO FORM

CITY OF ATLANTA

City Attorney

By \_\_\_\_\_  
Mayor

# EXHIBIT B

**AMENDMENT NUMBER 1 TO THE FRANCHISE  
AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA POWER  
COMPANY**

This First Amendment (“Amendment”) to the Franchise Agreement that was entered into on December 5, 1965 (“Franchise Agreement”), between the City of Atlanta (“City”), a municipal corporation, chartered pursuant to the laws of the State of Georgia, and The Georgia Power Company (“the Company”) is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City and the Company.

**BACKGROUND:**

**WHEREAS**, the City is authorized by Atlanta City Charter Section 1-102(10) to grant franchises for public utilities; and

**WHEREAS**, pursuant to a Resolution adopted by the City of Atlanta Board of Aldermen on December 5, 1965 and approved by the Mayor on December 8, 1965, the City entered into the Franchise Agreement with the Company for a term of ninety-nine (99) years; and

**WHEREAS**, from 2013 through 2015, the average annual revenue that the City received from the Company generated by the Franchise Agreement is approximately \$31 Million Dollars; and

**WHEREAS**, the City now desires to modify the financial terms of the Franchise Agreement.

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending legally to be bound, the parties agree as follows:

1. That Section 2 of the Franchise Agreement is hereby amended and revised to read as follows:

2.

The said rights are granted to the Company upon the following terms and conditions:

1(a). The Company shall pay into the Treasury of the City on or before the first day of February of each year, beginning with the year 2017 and continuing during the subsistence of this franchised, a sum equal to 3.8% of the amount received by Company from gross sales of electric energy and steam to its customers within the City limits during the preceding calendar year.

- 1(b). The method of determining the amount and rate of payment for the grant of this franchise by the City to the Company shall be renegotiated January 1, 2020 and every twenty-fifth year thereafter at the request of either party. It is understood that this provision is in no way a limitation upon the ninety-nine (99) year franchise period and imposes on the parties only an obligation to enter into good faith negotiations at the request of either party for a change in the amount or rate of payment the Company shall pay to the City. In the event no Agreement can be reached concerning a requested change in the amount or rate of payment, the payment provided for herein shall continue.
- 1(c). Except as hereinafter provided no such payment shall be due in respect to any calendar year: (1) during which the City at any time acquires, leases or operates an electric generation, transmission or distribution (or any combination of these) system, or (2) during which the City grants to another entity the right to use the streets for distribution of electric energy unless said grant is upon the same general terms and conditions as those imposed herein, excluding that portion of this agreement providing for the granting of a franchise for a period of ninety-nine (99) years.

In the event the City acquires such an electric system as a result of the City's annexation of a municipality which theretofore operated its own system, then the City shall sell and the Company shall purchase such system at a fair price to be negotiated between the Company and the City, which price shall in no event be less than the total sum of revenue certificates, revenue bonds, and any other indebtedness outstanding against said system on the date of said annexation. It is understood that there shall be no abatement of the payment or payments hereinabove specified in Section 2, Paragraph 1(a) as a result of the acquisition by the City of an electric generation, transmission or distribution (or any combination of these) system from such annexed municipality; however, all sales of electrical energy made on a wholesale basis by the Company to the City as a result of the City's acquisition of such electric system from an annexed municipality shall not be included in the amount received by Company from gross sales of electric energy and steam to its customers within the City limits from which amount the 4% payment is derived.

Should the sale of such annexed system not be effected within three (3) years following the date of annexation, then no payment required under Section 2, Paragraph 1(a) shall be due or payable until such time as such sale is finally consummated.

2. The payment of the said percentage of gross sales shall be in lieu of all fees and taxes which the City may impose on the Company, except service charges, ad valorem taxes on property other than this franchise, and license fees and taxes on appliance sales.

3. The Company while installing, operating, maintaining its equipment and appliances, and otherwise operating under this agreement shall be subject to all codes, ordinances and regulations of the City.
4. All sidewalks and street improvements displaced by the Company shall be replaced by the Company at its own expense to the satisfaction of the City. Upon written notice to the Company by the City, in the valid exercise by the City of its police power, the Company shall remove at the Company's expense, within a reasonable time, any equipment or facilities located within, below, upon or over the City's street, sidewalks or rights-of-way.
5. The Company shall indemnify and save harmless the City from and against all damages to persons or property arising out of the installation, operation, or maintenance of the Company's equipment and appliances, provided that written notification of claims and suits thus arising is given to the Company within thirty (30) days following receipt of notice of claim, if any such notice is given to the City, and within ten (10) days following service of suit.

3.

The rights granted hereunder from the City to the Company shall inure to the benefit of and the obligations imposed hereunder shall be binding upon the Company's successors lessees, and assigns.

4.

This Franchise Agreement has been approved by the Board of Aldermen and the Mayor has been authorized to execute said Agreement by Resolution adopted by the Board of Aldermen of the City of Atlanta on the 5<sup>th</sup> day of December, 1965, and approved by the Mayor on the 8<sup>th</sup> day of December, 1965.

***[SIGNATURES APPEAR ON FOLLOWING PAGE]***

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first above written.

GEORGIA POWER COMPANY

Corporate Seal

By \_\_\_\_\_  
Chairman of the Board and  
Chief Executive Officer

By \_\_\_\_\_  
Secretary

APPROVED AS TO FORM

CITY OF ATLANTA

\_\_\_\_\_  
City Attorney

By \_\_\_\_\_  
Mayor

**A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY-SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("the City") is committed to the development of recycling programs and providing infrastructure for the purpose of diverting waste from landfills; and

WHEREAS, the City and Recycle Across America ("RAA") believe that enhanced community outreach and education is key to increasing participation in recycling programs; and

WHEREAS, in furtherance of the aforementioned goals, RAA desires to donate ninety six thousand (96,000) instructional recycling labels, with a value of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), to the City to be placed on residential curbside recycling bins, in accordance with RAA's Standardized Label Project; and

WHEREAS, RAA also desires to donate outreach and education services valued at Fifty Thousand Dollars and Zero Cents (\$50,000.00) in the form of print-ready artwork, public service announcements, and other communications materials; and

WHEREAS, accepting the donation of labels and services from RAA is in the best interest of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to accept the donation of ninety six thousand (96,000) instructional recycling labels with a value of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), along with outreach and education services with a value of Fifty Thousand Dollars and Zero Cents (\$50,000.00), from Recycle Across America;

BE IT FURTHER RESOLVED, that the Mayor, or his authorized designee, is authorized to enter into a Donation Agreement and Memorandum of Understanding with Recycle Across America to accept this donation; and

BE IT FINALLY RESOLVED, that the Donation Agreement and Memorandum of Understanding will not become binding on the City, and the City will incur no obligation or liability under it, until it has been duly approved by the City and delivered to Recycle Across America.

CITY COUNCIL  
ATLANTA, GEORGIA

16-R-4685

SPONSOR SIGNATURES

  
Joyce Sheperd, Councilmember, District 12

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4685

**A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY-SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 9:57 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Finance/Executive Committee	Pending	11/30/2016 1:00 PM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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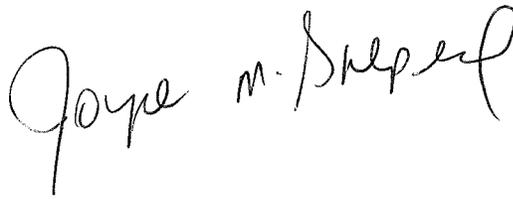
<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/30/2016 1:00 PM</b>
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16-R-4685

A RESOLUTION BY COUNCILMEMBER JOYCE M. SHEPERD AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY-SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

**A RESOLUTION  
BY**



**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“the City”) is committed to the development of recycling programs and providing infrastructure for the purpose of diverting waste from landfills; and

**WHEREAS**, the City and Recycle Across America (“RAA”) believe that enhanced community outreach and education is key to increasing participation in recycling programs; and

**WHEREAS**, in furtherance of the aforementioned goals, RAA desires to donate ninety six thousand (96,000) instructional recycling labels, with a value of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), to the City to be placed on residential curbside recycling bins, in accordance with RAA’s Standardized Label Project; and

**WHEREAS**, RAA also desires to donate outreach and education services valued at Fifty Thousand Dollars and Zero Cents (\$50,000.00) in the form of print-ready artwork, public service announcements, and other communications materials; and

**WHEREAS**, accepting the donation of labels and services from RAA is in the best interest of the City.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his authorized designee, is authorized to accept the donation of ninety six thousand (96,000) instructional recycling labels with a value of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), along with outreach and education services with a value of Fifty Thousand Dollars and Zero Cents (\$50,000.00), from Recycle Across America;

**BE IT FURTHER RESOLVED**, that the Mayor, or his authorized designee, is authorized to enter into a Donation Agreement and Memorandum of Understanding with Recycle Across America to accept this donation; and

**BE IT FINALLY RESOLVED**, that the Donation Agreement and Memorandum of Understanding will not become binding on the City, and the City will incur no obligation or liability under it, until it has been duly approved by the City and delivered to Recycle Across America.

Attachment: 7 RECYCLE ACROSS AMERICA (16-R-4685 : DONATION OF RECYCLING OUTREACH AND EDUCATION)

*James M. Shelton*

**First Reading**

**FINAL COUNCIL ACTION**

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

**Readings**

Consent  V Vote  RC Vote

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

**A RESOLUTION BY**

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF NINETY SIX THOUSAND (96,000) LABELS FOR RESIDENTIAL RECYCLING BINS WITH A VALUE OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) FROM RECYCLE ACROSS AMERICA; TO ACCEPT THE DONATION OF RECYCLING OUTREACH AND EDUCATION SERVICES WITH A VALUE OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) FROM RECYCLE ACROSS AMERICA; TO ENTER INTO A DONATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH RECYCLE ACROSS AMERICA; AND FOR OTHER PURPOSES

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: *11/21/2016*  
Referred To: *Fin./ Exec. + City Utilities*  
Date Referred:  
Referred To:  
Date Referred:  
Referred To:

<b>Committee</b>	<b>Committee</b>
<b>Date</b>	<b>Date</b>
<b>Chair</b>	<b>Chair</b>
<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>	<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>
<b>Members</b>	<b>Members</b>
<b>Refer To</b>	<b>Refer To</b>
<b>Committee</b>	<b>Committee</b>
<b>Date</b>	<b>Date</b>
<b>Chair</b>	<b>Chair</b>
<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>	<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>
<b>Members</b>	<b>Members</b>
<b>Refer To</b>	<b>Refer To</b>

**CERTIFIED**

**MAYOR'S ACTION**

Attachment: 7 RECYCLE ACROSS AMERICA (16-R-4685 : DONATION OF RECYCLING OUTREACH AND

**A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NUMBER 2 WITH SOCO-TEM, JV, FOR FC-8250, ANNUAL CONTRACT FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, DRIVEWAY APRONS AND ASSOCIATED INFRASTRUCTURE FOR SIDEWALK REPAIRS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY TWO THOUSAND DOLLARS AND ZERO CENTS (\$262,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") authorized FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Curbs, Driveway Aprons & Associated Infrastructure ("Agreement") with Soco-TEM, JV, on behalf of the Department of Public Works, pursuant to 16-R-3264 in an amount not to exceed Four Million Eight Hundred Forty-One Thousand Two Hundred Fifty Dollars and Zero Cents (\$4,841,250.00); and

WHEREAS, the term of the Agreement is for two (2) years with three (3) one (1) year renewal options to be exercised at the City's sole discretion; and

WHEREAS, the City entered into Amendment Number 1 with Soco-TEM, JV in an amount not to exceed \$600,000.00 pursuant to Resolution 16-R-4365 adopted by the Atlanta City Council on October 3, 2016 and approved as per City Charter Section 2-403 on October 12, 2016; and

WHEREAS, SoCo-TEM, JV has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works recommends authorizing Amendment Number 2 with SoCo-TEM, JV, for FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Curbs, Driveway Aprons & Associated Infrastructure for sidewalk installation and repairs on West Shadowlawn Avenue, N.E. and Matheison Drive, N.E. in an amount not to exceed Two Hundred Sixty Two Thousand Dollars and Zero Cents (\$262,000.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his designee, is authorized to enter into Amendment Number 2 with SoCo-TEM, JV, for FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Cmbs, Driveway Aprons & Associated Infrastructure for sidewalk installation and repairs on West Shadowlawn Avenue, N.E. and Matheison Drive, N.E. in an amount not to exceed Two Hundred Sixty Two Thousand Dollars and Zero Cents (\$262,000.00).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

BE IT FURTHER RESOLVED, that Amendment Number 2 will not become binding on the City and the City will incur no obligation or liability under it until it has been duly executed by the City and delivered to SoCo-TEM, JV.

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 3147 (2015 Infrastructure Bond Fund) 130308 (DPW Transportation Design) 5999999 (Projects and Grants Budget- Summary) 427000 (Traffic Engineering) 112184 (Transportation Infrastructure) 22280 (Infrastructure Bond-DPW).

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4688

**A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NUMBER 2 WITH SOCO-TEM, JV, FOR FC-8250, ANNUAL CONTRACT FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, DRIVEWAY APRONS AND ASSOCIATED INFRASTRUCTURE FOR SIDEWALK REPAIRS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY TWO THOUSAND DOLLARS AND ZERO CENTS (\$262,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 12:15 PM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/29/2016 9:30 AM</b>
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**16-R-4688****A RESOLUTION BY  
COUNCILMEMBER HOWARD SHOOK**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NUMBER 2 WITH SOCO-TEM, JV, FOR FC-8250, ANNUAL CONTRACT FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, DRIVEWAY APRONS AND ASSOCIATED INFRASTRUCTURE FOR SIDEWALK REPAIRS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY TWO THOUSAND DOLLARS AND ZERO CENTS (\$262,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) authorized FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Curbs, Driveway Aprons & Associated Infrastructure (“Agreement”) with Soco-TEM, JV, on behalf of the Department of Public Works, pursuant to 16-R-3264 in an amount not to exceed Four Million Eight Hundred Forty-One Thousand Two Hundred Fifty Dollars and Zero Cents (\$4,841,250.00); and

**WHEREAS**, the term of the Agreement is for two (2) years with three (3) one (1) year renewal options to be exercised at the City’s sole discretion; and

**WHEREAS**, the City entered into Amendment Number 1 with Soco-TEM, JV in an amount not to exceed \$600,000.00 pursuant to Resolution 16-R-4365 adopted by the Atlanta City Council on October 3, 2016 and approved as per City Charter Section 2-403 on October 12, 2016; and

**WHEREAS**, SoCo-TEM, JV has performed the contracted services satisfactorily; and

**WHEREAS**, the Commissioner of the Department of Public Works recommends authorizing Amendment Number 2 with SoCo-TEM, JV, for FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Curbs, Driveway Aprons & Associated Infrastructure for sidewalk installation and repairs on West Shadowlawn Avenue, N.E. and Matheison Drive, N.E. in an amount not to exceed Two Hundred Sixty Two Thousand Dollars and Zero Cents (\$262,000.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his designee, is authorized to enter into Amendment Number 2 with SoCo-TEM, JV, for FC-8250, Annual Contract for Maintenance and Repair of Sidewalks, Curbs, Driveway Aprons & Associated Infrastructure for sidewalk installation and repairs on West Shadowlawn Avenue, N.E. and Matheison Drive, N.E. in an amount not to exceed Two Hundred Sixty Two Thousand Dollars and Zero Cents (\$262,000.00).

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

**BE IT FURTHER RESOLVED**, that Amendment Number 2 will not become binding on the City and the City will incur no obligation or liability under it until it has been duly executed by the City and delivered to SoCo-TEM, JV.

**BE IT FINALLY RESOLVED**, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 3147 (2015 Infrastructure Bond Fund) 130308 (DPW Transportation Design) 5999999 (Projects and Grants Budget – Summary) 427000 (Traffic Engineering) 112184 (Transportation Infrastructure) 22280 (Infrastructure Bond – DPW).

(Do Not Write Above This Line)	First Reading		FINAL COUNCIL ACTION
	Committee _____ Date _____ Chair _____ Referred To _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____	<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
<p>A RESOLUTION BY <i>How Shook</i> COUNCILMEMBER HOWARD SHOOK</p> <p>A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NUMBER 2 WITH SOCO-TEM, JV, FOR FC-8250, ANNUAL CONTRACT FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, DRIVEWAY APRONS AND ASSOCIATED INFRASTRUCTURE FOR SIDEWALK REPAIRS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY TWO THOUSAND DOLLARS AND ZERO CENTS (\$262,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	CERTIFIED
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE &amp; REFER</p> <p><input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</p> <p><input checked="" type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred: _____</p> <p>Referred To: <i>11/21/2016 City Utilities</i></p> <p>Date Referred: _____</p> <p>Referred To: _____</p> <p>Date Referred: _____</p> <p>Referred To: _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	MAYOR'S ACTION

**A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") authorized FC-8955, Labworks Lims Software Support and Maintenance ("Agreement") with Labworks, LLC ("Labworks"), pursuant to Section 2-1191 of the City Code of Ordinances; and

WHEREAS, the term of the Agreement is for one (1) year with three (3) one (1) year renewal options to be exercised at the City's sole discretion effective August 29, 2016 to August 28, 2017;and

WHEREAS, Labworks Lims Software Support and Maintenance original contract date is August 29, 2016 through August 28, 2017 and needs to be amended; and

WHEREAS, the new contract dates should read as January 1, 2017 through December 31, 2017; and

WHEREAS, Labworks continues to satisfactorily perform services under the Agreement; and

WHEREAS, the Commissioner of the Department of Watershed Management, the Chief Information Officer, and the Chief Procurement Officer recommend authorizing the City's option for Renewal Number 1 and Amendment Number One (1) with Labworks for FC-8955, Labworks Lims Software Support and Maintenance in an amount not to exceed Thirty-Six Thousand, Eight Hundred Twenty-Five Dollars and Zero Cents (\$36,825.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to exercise the City's option for Renewal Number (1) and Amendment Number (1) with Labworks, LLC for FC-8955, Labworks Lims Software Support and Maintenance, on behalf of the Department of Watershed Management, in an amount not to exceed Thirty-Six Thousand, Eight Hundred Twenty-Five Dollars and Zero Cents (\$36,825.00);

BE IT FURTHER RESOLVED, that the term of Renewal Number One (1) will be January 1, 2017 through December 31, 2017, with two (2) remaining one-year renewal term options;

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the

City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee;

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 duly executed by the City and delivered to Labworks, LLC; and

BE IT FINALLY FURTHER RESOLVED, that all contracted work will be charged to and paid from the following Fund, Department Organization, Account, and Function Activity ("FDOA") numbers: 5051 (Water & Wastewater revenue Fund); 170113 (DWM-Information Systems); 5213001 (Consulting/Professional Services-Technical); 1535000 (Data Processing/Management Information System).

CITY COUNCIL  
ATLANTA, GEORGIA

16-R-4690

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is stylized and written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4690

**A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 12:15 PM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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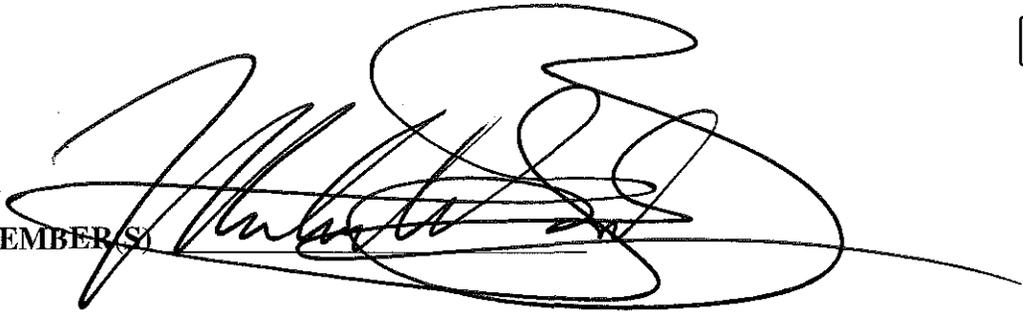
<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/29/2016 9:30 AM</b>
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16-R-4690

A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

A RESOLUTION  
BY COUNCIL MEMBER(S)



**A RESOLUTION AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") authorized FC-8955, Labworks Lims Software Support and Maintenance ("Agreement") with Labworks, LLC ("Labworks"), pursuant to Section 2-1191 of the City Code of Ordinances; and

**WHEREAS**, the term of the Agreement is for one (1) year with three (3) one (1) year renewal options to be exercised at the City's sole discretion effective August 29, 2016 to August 28, 2017; and

**WHEREAS**, Labworks Lims Software Support and Maintenance original contract date is August 29, 2016 through August 28, 2017 and needs to be amended; and

**WHEREAS**, the new contract dates should read as January 1, 2017 through December 31, 2017; and

**WHEREAS**, Labworks continues to satisfactorily perform services under the Agreement; and

**WHEREAS**, the Commissioner of the Department of Watershed Management, the Chief Information Officer, and the Chief Procurement Officer recommend authorizing the City's option for Renewal Number 1 and Amendment Number One (1) with Labworks for FC-8955, Labworks Lims Software Support and Maintenance in an amount not to exceed Thirty-Six Thousand, Eight Hundred Twenty-Five Dollars and Zero Cents (\$36,825.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his authorized designee, is authorized to exercise the City's option for Renewal Number (1) and Amendment Number (1) with Labworks, LLC for FC-8955, Labworks Lims Software Support and Maintenance, on behalf of the Department of Watershed Management, in an amount not to exceed Thirty-Six Thousand, Eight Hundred Twenty-Five Dollars and Zero Cents (\$36,825.00);

**BE IT FURTHER RESOLVED**, that the term of Renewal Number One (1) will be January 1, 2017 through December 31, 2017, with two (2) remaining one-year renewal term options;

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee;

**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 duly executed by the City and delivered to Labworks, LLC; and

**BE IT FINALLY FURTHER RESOLVED**, that all contracted work will be charged to and paid from the following Fund, Department Organization, Account, and Function Activity (“FDOA”) numbers: 5051 (Water & Wastewater revenue Fund); 170113 (DWM-Information Systems); 5213001 (Consulting/Professional Services-Technical); 1535000 (Data Processing/Management Information System).

**Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of City of Atlanta (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

960142  
Federal Work Authorization User Identification Number

4/6/2016  
Date of Authorization

Labworks, LLC  
Name of Contractor

Labworks Software Support and Maintenance  
Name of Project

City of Atlanta  
Name of Public Employer

**I hereby declare under penalty of perjury that the foregoing is true and correct.**

Executed on April, 14, 2016 in Gilbert (city), Az (state).

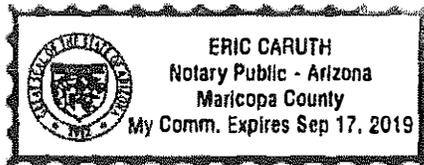
Mary Jane Pressentin  
Signature of Authorized Officer or Agent

Mary Jane Pressentin / Client Contract Manager  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE 14<sup>th</sup> DAY OF April, 2016.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
09/17/19



**ORIGINAL**

As of July 1, 2013

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)



Quote

**Labworks LLC**

Office: 45 E 200 N, Alpine, UT 84004

Remittance: 365 River Cir, Alpine, UT 84004

City of Atlanta  
WWT&C Laboratory  
Atlanta, GA 30336

Attention: Ms. Blondette Christian/Dr. Thomas Bourne  
Phone: 844-452-2967  
Email: blchristian@atlantaga.gov

Prepared by: Claudia Lukac

Email: clukac@labworks.com  
Finance Email: finance@labworks.com  
Quote Name: 0117CITYATLL65790716  
Quote Date: 07/21/2016/Updated:08/31/2016  
Quote #: REN184-072116L579 - B  
Quote Expires: 10/28/2016

LABWORKS Support ID: L579

Licenses & Maintenance					
Part #	Description	Qty	Unit of Measure	Term	Net Price
M2016	LABWORKS Assist Support Plan Renewal provides a fundamental level of support services for LABWORKS. The plan includes the following: License Software and Documentation Updates (excluding Bartender & Crystal Reports Software); 800 Support Number; Telephone Help Desk; Email Support; Remote Support Sessions; Escalation Process and access to LABWORKS User Site.	1	Annual	01/01/2017-12/31/2017	\$36,825.00

Comments:	Quote Summary - Prices shown in USD (\$)
Current LABWORKS: LABWORKS Oracle Dat base (20 User) NWA QA/QX (5 User LAN Pak) Report Designer Labor tory Personnel Training Process Scheduler LABWORKS Data Browser (6) Instrument Maintenance Chemic l Inventory LABWORKS Additional DB (07/06)	Support/Maintenance \$36,825.00  Total \$36,825.00

- Software License and Maintenance and Services - Customer elects' electronic delivery ONLY of software products to the designated contact listed above. If included in this quote, Maintenance Fees are payable in advance, with payment due Net 30 days from date of invoice/delivery.
- Customer elects' electronic delivery ONLY of software products to the designated contact listed above.
- Please submit your purchase order to [finance@labworks.com](mailto:finance@labworks.com) and to [clukac@labworks.com](mailto:clukac@labworks.com)

**LABWORKS Maintenance and Support Policy:** Clients must maintain LABWORKS maintenance/support in order to receive technical support, email support, phone support, software updates, documentation and access to the LABWORKS user site. If a client elects to discontinue support, they must notify Labworks LLC in writing 60 days prior to the expiration of their last paid maintenance period. Renewal of discontinued support is subject to back support fees. By creating a purchase order based on this quote, you are accepting this Maintenance and Support Policy.

Approved by: \_\_\_\_\_  
Claudia Lukac/ Client Account Manager/ Labworks, LLC

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)



Labworks, LLC  
45 E 200 N  
Alpine, UT 84004  
Phone: 844 452-2967  
[www.labworks.com](http://www.labworks.com)

## LABWORKS Support Statement of Work Services

Your annual Maintenance Agreement includes several services to keep your LABWORKS system up-to-date.

Included are:

- Toll free Telephone Support 844.452.2967
- Email Support [support@labworks.com](mailto:support@labworks.com)
- Remote Access (GoToAssist) scheduled with LABWORKS support
- LABWORKS software upgrades – including bug fixes, minor releases and major releases
- Online documentation
- Online training (Scheduled in Advance with LABWORKS support)

For questions on your support renewal and your LABWORKS system contact:  
*Claudia Lukac/ Client Account Manager / 201.358.6827 / [clukac@labworks.com](mailto:clukac@labworks.com)*



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/26/2016

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Utah Insurance Solutions 2975 W. Executive Parkway Suite #216  Lehi UT 84043	<b>CONTACT NAME:</b> Cameron Moon <b>PHONE (A/C, No, Ext):</b> 801-427-3621 <b>FAX (A/C, No):</b> 1-888-588-1327 <b>E-MAIL ADDRESS:</b> cam@utahinsurancesolutions.com																					
<b>INSURED</b>  Labworks LLC 45 E 200 N  Alpine UT 84004	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td style="width: 50%;">INSURER A:</td> <td style="width: 30%;">The Hartford Financial Insurance Group</td> <td style="width: 20%; text-align: center;">11000</td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	The Hartford Financial Insurance Group	11000	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER D:																						
INSURER E:																						
INSURER F:																						

**COVERAGES      CERTIFICATE NUMBER: 001      REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS								
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	34SB5224LK	04/26/2016	04/26/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000								
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			34SB5224LK	04/26/2016	04/26/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$								
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			34SB5224LK	04/26/2016	04/26/2017	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000								
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	34WB4442PT	04/26/2016	04/26/2017	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">PER STATUTE</td> <td style="width: 50%;">OTH-ER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$ 1,000,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$ 1,000,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$ 1,000,000</td> </tr> </table>	PER STATUTE	OTH-ER	E.L. EACH ACCIDENT	\$ 1,000,000	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
PER STATUTE	OTH-ER														
E.L. EACH ACCIDENT	\$ 1,000,000														
E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000														
E.L. DISEASE - POLICY LIMIT	\$ 1,000,000														
A	<b>TECHNOLOGY E&amp;O - PROFESSIONAL LIABILITY</b>			34SB5224LK	04/26/2016	04/26/2017	Each Occurrence \$1,000,000 General Aggregate \$2,000,000								

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 \*\*\*SEE ATTACHED ACORD 101 FOR ADDITIONAL COVERAGE'S & POLICY ENDORSEMENTS\*\*

<b>CERTIFICATE HOLDER</b>  City Of Atlanta  72 Marietta Street 4th Floor Atlanta GA 30303	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <i>Cameron Moon</i>
--	---

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: ALL \_\_\_\_\_



**ADDITIONAL REMARKS SCHEDULE**

Page 1 of 1

<b>AGENCY</b> Utah Insurance Solutions		<b>NAMED INSURED</b> Labworks LLC	
<b>POLICY NUMBER</b> 34SB5224LK			
<b>CARRIER</b> The Hartford Financial Insurance Group	<b>NAIC CODE</b> 11000	<b>EFFECTIVE DATE:</b> 04/26/2016	

**ADDITIONAL REMARKS**

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**  
**FORM NUMBER:** 125 **FORM TITLE:** CERTIFICATE OF INSURANCE

ADDITIONAL POLICY COVERAGE'S:

- A. EMPLOYMENT PRACTICES LIABILITY INSURANCE -
  - LIABILITY LIMITS - \$1,000,000 CLAIMS MADE
  - \$1,000,000 AGGREGATE
- A. EMPLOYEE BENEFITS LIABILITY INSURANCE -
  - LIABILITY LIMITS - \$1,000,000 PER OCCURENCE
  - \$ 2,000,000 GENERAL AGGREGATE
- A. DATA BREACH COVERAGE-
  - 1ST PARTY COVERAGE - \$100,000
  - 3RD PARTY COVERAGE - \$500,000

BLANKET WAIVER OF SUBROGATION - INCLUDED  
 BLANKET ADDITIONAL INSURED - INCLUDED

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)



LABWORKS, LLC  
45 E 200 N  
Alpine, UT 84004  
Phone: 844 452-2967  
[www.labworks.com](http://www.labworks.com)

May 4, 2016

City of Atlanta  
Department of Information Technology  
2528 Chattahoochee Circle, Suite 800  
Atlanta, GA 30318

Subject: **LABWORKS Sole Source Letter**

Labworks, LLC submits the following for your information:

Labworks, LLC confirms that LABWORKS LIMS is manufactured by Labworks, LLC and we retain the proprietary source code. As of the date of this letter, we do not currently utilize U.S. distributors or dealers in the servicing of this software. Labworks, LLC Engineers perform software installation, support and any subsequent project work for our customers. As of the date of this letter, there are currently no authorized third-party LABWORKS support consultants in the United States.

Labworks, LLC supports LABWORKS LIMS and all LABWORKS products. The core code for each of our products is identical.

If you have any questions, please do not hesitate to contact me directly 201 358-6827.

Sincerely,

A handwritten signature in cursive script that reads 'Claudia Lukac Nye'.

Claudia Lukac Nye | Client Account Manager  
LABWORKS LLC  
Phone: +1 201 358.6827 | Fax: +1 201.RR358.1992  
[www.labworks.com](http://www.labworks.com)

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, NW  
Atlanta, Georgia 30303

Kishia L. Powell  
COMMISSIONER

**MEMORANDUM**

**To:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**From:** Ven Balaga, Deputy Chief Information Officer – AIM  
Department of Watershed Management

**Cc:** Blondette Christian, Applications Support Manager  
Keith Brooks, Deputy Chief Procurement Officer  
Mimie Woods, Procurement Officer  
Clinton L. Johnson, Contracting Officer  
Trinise Foster-White, Legislative Analyst  
Cynthia L. Lunn, Watershed Manager

**Date:** October 12, 2016

**Re:** **LEGISLATIVE REQUEST**  
**FC-8955, Labworks Support and Maintenance, Renewal No. 1**  
**Contractor: Labworks, LLC**  
**Term: One (1) year with Two (2) One (1) year options to renew**  
**Base Term: January 1, 2016 through December 31, 2016**  
**Renewal No. 1: January 1, 2017 through December 31, 2017**

*VEN BALAGA*  
*10/13/16*

Please prepare the appropriate Legislative Summary for Cycle 21 (December 5, 2016) to approve Renewal No. 1 for the above referenced services.

These services shall be charged to and paid from:

**\$36,825.00 – FDOA: 5051 (WATER & WASTEWATER REVENUE) 170113 (DWM-INFORMATION SYSTEMS) 5213001 (CONSULTING/PROFESSIONAL SERVICE- TECHNICAL) 1535000 (DATA PROCESSING.MANAGEMENT INFORMATION SYSTEM) – Requisition No. 21707461**

If you have any additional questions, please contact Cynthia Lunn, Watershed Manager, at (404) 546-3626.

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)



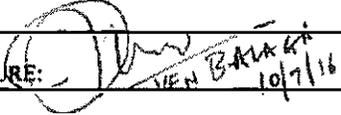
# CITY OF ATLANTA

Kasim Reed  
Mayor

SUITE 1900  
35 TRINITY AVENUE, SW  
ATLANTA, GA 30303  
(404) 330-6204 Fax: (404) 658-7705  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

DEPARTMENT OF PROCUREMENT  
Adam L. Smith, Esq., CPPO, CFPB, CPPM, CPP  
Chief Procurement Officer  
[asmith@atlantaga.gov](mailto:asmith@atlantaga.gov)

## CONTRACTOR PERFORMANCE FORM

<p><b>CONTRACTOR'S NAME AND ADDRESS:</b></p> <p>Labworks, LLC 45 E. 200 N Alpine, Utah 84004</p> <p><b>Attn: Claudia Lukac</b></p>	<p><b>DATE:</b> October 7, 2016</p> <p><b>DEPT. HEAD SIGNATURE:</b>  <b>CLAUDIA LUKAC</b> 10/7/16</p> <p><b>FCH/NAME:</b> FC-8955, Labworks Support and Maintenance -- <b>Renewal No. 1</b></p> <p><b>DEPT. POINT-OF CONTACT:</b> Blondette Christian</p> <p><b>TITLE:</b> Applications Support Manager</p>
<p><b>WE HAVE THE FOLLOWING COMPLAINT(S). PLEASE REPLY BELOW. (PLEASE USE A SEPARATE SHEET, IF NECESSARY).</b></p> <p>There are no known complaints.</p>	
<p><b>WE HAVE THE FOLLOWING POSITIVE COMMENT(S). PLEASE REPLY BELOW. (PLEASE USE A SEPARATE SHEET, IF NECESSARY).</b></p> <p>The Labworks software has been used by the COA Department of Watershed (Drinking Water and Wastewater) for several years.</p>	
<p><input checked="" type="checkbox"/> <b>WE DESIRE TO EXERCISE OUR RENEWAL OPTIONS AND OUR LEGISLATION CLERK HAS PREPARED THE ATTACHED LEGISLATIVE PACKAGE FOR DOP REVIEW PRIOR TO THE FOLLOWING LEGISLATION CYCLE <u>21</u>.</b></p> <p><input type="checkbox"/> <b>WE DO NOT DESIRE TO EXERCISE OUR RENEWAL OPTIONS AND WOULD LIKE TO INITIATE A NEW SOLICITATION. ATTACHED, PLEASE FIND MY PROCUREMENT REQUEST FORM AND REVISED SCOPE OF SERVICES.</b></p>	

The City of Atlanta

Department of Procurement

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)

(Do Not Write Above This Line)

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred To \_\_\_\_\_

FINAL COUNCIL ACTION

2<sup>nd</sup>     1<sup>st</sup> & 2<sup>nd</sup>     3<sup>rd</sup>

Readings

Consent     V Vote     RC Vote

A RESOLUTION

BY COUNCIL MEMBER(S) *[Signature]*

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

A RESOLUTION AUTHORIZING RENEWAL NUMBER ONE (1) AND AMENDMENT NUMBER ONE (1) WITH LABWORKS, LLC FOR FC-8955, LABWORKS LIMS SOFTWARE SUPPORT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND, EIGHT HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$36,825.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUNDING NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

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 \_\_\_\_\_

MAYOR'S ACTION

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>st</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_

Referred To: *11/21/2016 City Utilities*

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Attachment: 32 FC 8955 (16-R-4690 : Amendment No. 1 with Labworks LLC FC-8955)

**A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING ADDITIONAL FUNDING FOR FC-7888 CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM- PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") authorized FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I ("Agreement") with PC/Russell, a Joint Venture, on behalf of the Department of Watershed Management, pursuant to Resolution No. 15-R-3681;

WHEREAS, the City authorized additional funding for construction components of the Project in an amount not to exceed One Hundred Nineteen Million, Seven Hundred Seventy-Five Thousand, Thirty-Five Dollars and Zero Cents (\$119,775,035.00), pursuant to Resolution No. 15-R-4411;

WHEREAS, the Commissioner of the Department of Watershed Management desires to add additional funding as contemplated under the Agreement for certain additional construction components of the Project in an amount not to exceed Ninety-One Million, Six Hundred Thirty Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00) with future funding being subject to further legislative authorization; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend authorizing additional funding for the FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I with PC/Russell, a Joint Venture for certain additional construction components of the Project in an amount not to exceed Ninety One Million, Six Hundred Thirty-Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to fund FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I with PC/Russell, a Joint Venture, on behalf of the Department of Watershed Management, in an additional amount not to exceed Ninety-One Million, Six Hundred Thirty-Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00) for certain additional components of the Project, with future funding being subject to further legislative authorization;

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee for the Project, as required by the Agreement; and

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 5073 (2015A Water Commercial Paper Program) 171003 (DWM Water Linear Maintenance/Repair) 5999999 (Projects and Grants Budget) 4440000 (Distribution) and Project Task Award Expenditure and Organization Number 17111736 (Raw Water Delivery) 107 (Construction) 507382272 (2015A Water Commercial Paper Program) 5414002 (Facilities Not Buildings - CIP) COA.

CITY COUNCIL  
ATLANTA, GEORGIA

16-R-4693

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond", written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4693

**A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING ADDITIONAL FUNDING FOR FC-7888 CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM- PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 12:15 PM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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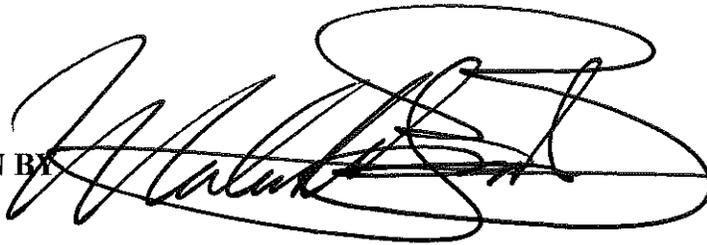
<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/29/2016 9:30 AM</b>
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16-R-4693

A RESOLUTION BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING ADDITIONAL FUNDING FOR FC-7888 CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM- PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

A RESOLUTION BY



**A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR FC-7888, CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM – PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) authorized FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I (“Agreement”) with PC/Russell, a Joint Venture, on behalf of the Department of Watershed Management, pursuant to Resolution No. 15-R-3681;

**WHEREAS**, the City authorized additional funding for construction components of the Project in an amount not to exceed One Hundred Nineteen Million, Seven Hundred Seventy-Five Thousand, Thirty-Five Dollars and Zero Cents (\$119,775,035.00), pursuant to Resolution No. 15-R-4411;

**WHEREAS**, the Commissioner of the Department of Watershed Management desires to add additional funding as contemplated under the Agreement for certain additional construction components of the Project in an amount not to exceed Ninety-One Million, Six Hundred Thirty-Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00) with future funding being subject to further legislative authorization; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend authorizing additional funding for the FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I with PC/Russell, a Joint Venture for certain additional construction components of the Project in an amount not to exceed Ninety-One Million, Six Hundred Thirty-Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his authorized designee, is authorized to fund FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I with PC/Russell, a Joint Venture, on behalf of the Department of Watershed Management, in an additional amount not to exceed Ninety-One Million, Six Hundred Thirty-Six Thousand, Forty-Seven Dollars and Zero Cents (\$91,636,047.00) for certain additional components of the Project, with future funding being subject to further legislative authorization;

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee for the Project, as required by the Agreement; and

**BE IT FINALLY RESOLVED**, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 5073 (2015A Water Commercial Paper Program) 171003 (DWM Water Linear Maintenance/Repair) 5999999 (Projects and Grants Budget) 4440000 (Distribution) and Project Task Award Expenditure and Organization Number 17111736 (Raw Water Delivery) 107 (Construction) 507382272 (2015A Water Commercial Paper Program) 5414002 (Facilities Not Buildings - CIP) COA.

#33

(Do Not Write Above This Line)

*[Handwritten signature]*

**A RESOLUTION BY  
CITY UTILITIES COMMISSION**

**A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR FC-7888, CONSTRUCTION MANAGER AT RISK SERVICES FOR THE WATER SUPPLY PROGRAM – PHASE I WITH PC/RUSSELL, A JOINT VENTURE ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINETY-ONE MILLION, SIX HUNDRED THIRTY-SIX THOUSAND, FORTY-SEVEN DOLLARS AND ZERO CENTS (\$91,636,047.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM 5073 (2015A WATER COMMERCIAL PAPER PROGRAM) 171003 (DWM WATER LINEAR MAINTENANCE/REPAIR) 5999999 (PROJECTS AND GRANTS BUDGET) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111736 (RAW WATER DELIVERY) 107 (CONSTRUCTION) 507382272 (2015A WATER COMMERCIAL PAPER PROGRAM) 5414002 (FACILITIES NOT BUILDINGS - CIP) COA; AND FOR OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>st</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred W/21/2016  
 Referred To: City Utilities  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

**First Reading**

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

**FINAL COUNCIL ACTION**

2<sup>nd</sup>     1<sup>st</sup> & 2<sup>nd</sup>     3<sup>rd</sup>  
 Readings  
 Consent     V Vote     RC Vote

**CERTIFIED**

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

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

**MAYOR'S ACTION**

Attachment: 33 FC 7888 (16-R-4693 : Water Supply Program Funding FC-7888)

**A RESOLUTION BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") entered into FC-7383F, Architectural, Engineering and Design Services ("Agreement") with PH-BENCHMARK JV Resolution 15-R-4037, adopted by the City Council on September 8, 2015 and approved as per City Charter Section 2-403 on September 17, 2015; and

WHEREAS, the term of the Agreement is for a period of three (3) years with two (2) one (1) year renewal options to be exercised at the City's sole discretion; and

WHEREAS, the Department of Public Works (DPW) has through its creation of a new division, Environment, Social Responsibility, and Governance Engagement, wishes to evaluate the environmental regulatory compliance and management practices of 23 existing public works facilities (see attached); and

WHEREAS, on behalf of the Department of Public Works the City requires continued technical expertise, support and experience to provide professional architectural, engineering, design services to supplement City staff with input on best practices for project controls, project management and construction management oversight for the 23 existing Public Works Facilities; and

WHEREAS, the Commissioner of the Department of Public Works recommends the issuance of a Task Order for FC-7383F, Architectural, Engineering and Design Services with PH-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC., in an amount not to exceed Eighty-Four Thousand Five Hundred Thirty Dollars (\$84,530.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his designee, is authorized to issue a Task Order for FC-7383A, Annual Contract for Architectural, Engineering and Design Services with PH Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC., for professional services to supplement City staff with input on best practices for project controls, project management and construction management oversight services on behalf of the Department of Public Works for the environmental audit of Public Works facilities in an amount not to exceed Eighty-Four Thousand Five Hundred Thirty Dollars (\$84,530.00)

BE IT FURTHER RESOLVED, with all contracted work will be charged to and paid from the following Fund, Department and Account Numbers 1001 (General Fund) 130301 (DPW Transportation Administration) 5212001 (Consulting/Professional Services) 4210000 (Highways & Streets Admin), 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Admin) 5212001 (Consulting/Professional Services) 4510000 (Solid Waste Administration), 6001 (Fleet Service Fund) 130401 (DPW-Fleet Services Administration) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive)

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Task Order will not become binding upon the City, and the City shall incur no obligation or liability under it until the Agreement has been approved by the City Attorney as to form, executed by the Mayor attested to by the municipal clerk, and delivered to PH-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC.

CITY COUNCIL  
ATLANTA, GEORGIA

16-R-4696

SPONSOR SIGNATURES

*Clarence T Martin Jr*  
Clarence "C. T." Martin, Councilmember, District 10

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4696

**A RESOLUTION BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**Workflow List:**

Clerk of Council	Completed	11/22/2016 11:35 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/21/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/29/2016 9:30 AM</b>
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16-R-4696

A RESOLUTION BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

**A RESOLUTION  
BY COUNCILMEMBER**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) entered into FC-7383F, Architectural, Engineering and Design Services (“Agreement”) with PB-BENCHMARK JV Resolution 15-R-4037, adopted by the City Council on September 8, 2015 and approved as per City Charter Section 2-403 on September 17, 2015; and

**WHEREAS**, the term of the Agreement is for a period of three (3) years with two (2) one (1) year renewal options to be exercised at the City’s sole discretion; and

**WHEREAS**, the Department of Public Works (DPW) has through its creation of a new division, Environment, Social Responsibility, and Governance Engagement, wishes to evaluate the environmental regulatory compliance and management practices of 23 existing public works facilities (see attached); and

**WHEREAS**, on behalf of the Department of Public Works the City requires continued technical expertise, support and experience to provide professional architectural, engineering, design services to supplement City staff with input on best practices for project controls, project management and construction management oversight for the 23 existing Public Works Facilities; and

**WHEREAS**, the Commissioner of the Department of Public Works recommends the issuance of a Task Order for FC-7383F, Architectural, Engineering and Design Services with PB-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC., in an amount not to exceed Eighty-Four Thousand Five Hundred Thirty Dollars (\$84,530.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his designee, is authorized to issue a Task Order for FC-7383A, Annual Contract for Architectural, Engineering and Design Services with PB-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC., for professional services to supplement City staff with input on best practices for project controls, project management and construction management

oversight services on behalf of the Department of Public Works for the environmental audit of Public Works facilities in an amount not to exceed Eighty-Four Thousand Five Hundred Thirty Dollars (\$84,530.00)

**BE IT FURTHER RESOLVED**, with all contracted work will be charged to and paid from the following Fund, Department and Account Numbers 1001 (General Fund) 130301 (DPW Transportation Administration) 5212001 (Consulting/Professional Services) 4210000 (Highways & Streets Admin), 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Admin) 5212001 (Consulting/Professional Services) 4510000 (Solid Waste Administration), 6001 (Fleet Service Fund) 130401 (DPW-Fleet Services Administration) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive)

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Task Order will not become binding upon the City, and the City shall incur no obligation or liability under it until the Agreement has been approved by the City Attorney as to form, executed by the Mayor attested to by the municipal clerk, and delivered to PB-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC.



### Task Order Template – End Result Project

Agreement Number: **FC-7383F, Architecture and Engineering Professional Services ("Agreement")**

Task Order Number: #6

Task Order Maximum Payment Amount: \$84,530.00

The above referenced Task Order is made and entered into by and between the City of Atlanta pursuant to the Agreement;

AND

**PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC.**

This Task Order is made a part of the Agreement between the City and the Consultant, together with all attached exhibits made a part of this Task Order.

The period of performance/delivery date for this Task Order begins as of the Commencement Date, 10/30/16, and shall be completed by a Design Completion Date of 04/30/17, unless a written modification to this Task Order is made by the City.

**Task Order Services to be Provided:**

Consultant shall perform all work related to this task order in accordance with the scope of services, specifications and the Consultant's proposal attached and incorporated as Exhibit "A".

Unless a Task Order is expressly designated as lump sum payment, Consultant shall be compensated in accordance with the approved budget for hours actually worked under each sub-task itemized under an approved Task Order; and Consultant shall not be compensated for any cost overruns under the approved budget for any sub-task itemized under an approved Task Order, unless expressly approved by an authorized representative of the City prior to incurring such cost overruns. Consultant shall promptly notify the City and request consideration of such authorization as a Change (if appropriate) in the Services, prior to incurring such cost overruns. Otherwise, any such cost overruns will be costs incurred by the Consultant.

**Task Order Milestones:**

- Site Inspections
- Records review
- Reporting

Additional Task Order Provisions: None

**Key Task Order Personnel:**

- Kirstin Dolan, Certified Professional Environmental Auditor, CPEA
- Laura Barsauskas
- Drew Pitman

Agreement Number: FC-7383F, Architecture and Engineering Professional Services  
Task Order Number: 6  
Task Order Consultant: PB-BENCHMARK JV

Subconsultants: N/A

City Project Contact Information:  
Valerie Winrow, Director of Environment,  
Social Responsibility and Governance Engagement  
Department of Public Works  
55 Trinity Avenue, SW  
Suite 4700  
Atlanta, GA 30303  
Phone: 404-330-6215  
E-Mail: vwinrow@atlantaga.gov

Consultant Project Contact Information:  
PB-BENCHMARK JV  
3340 Peachtree Road, N.E  
Tower Place 100  
Suite 400  
Atlanta, GA 30326-1087  
Phone: 404-237-2115  
Fax : 404-237-3015  
E-Mail: nwankwo@pbworld.com

City Invoicing Contact Information:  
Valerie Winrow, Director of Environment,  
Social Responsibility and Governance Engagement  
Department of Public Works  
55 Trinity Avenue, SW  
Suite 4700  
Atlanta, GA 30303  
Phone: 404-330-6215  
E-Mail: vwinrow@atlantaga.gov

Consultant Invoicing Contact Information:  
PB-BENCHMARK JV (Attn: Lisa Bowden)  
3440 Peachtree Road, N.E.  
Suite 400  
Atlanta, GA 30326-1087  
Phone: 404-237-2115  
Fax: 404-237-3015  
E-Mail: bowdenlil@pbworld.com

Attachments:  
EXHIBIT A – Scope of Work

Estimated Labor Hours and Associated Fee for Task by Labor Category

Labor Category	Rate	Estimated Hours per Category	Total Estimated Fee per Category
Project Manager 4	\$205.00	99	\$20,295
Project Manager 3	\$186.00		
Project Manager 2	\$161.00		
Engineer 10	\$227.00		
Engineer 9	\$195.00		
Engineer 8	\$185.00		
Engineer 7	\$165.00		
Engineer 6	\$142.00		
Engineer 5	\$121.00		
Engineer 4	\$109.00		
Engineer 3	\$94.00		
Designer 5	\$122.00		
Designer 4	\$105.00		
Designer 3	\$94.00		
Scientist 8	\$193.00		
Scientist 7	\$158.00		

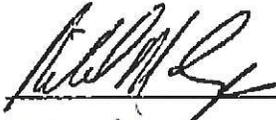
Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

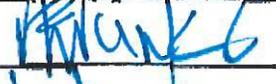
Agreement Number: FC-7383, Architecture and Engineering Professional Services  
Task Order Number: 6  
Task Order Consultant: PB-BENCHMARK JV

Labor Category	Rate	Estimated Hours per Category	Total Estimated Fee per Category
Scientist 6	\$135.00	48	\$6,480
Scientist 5	\$113.00	474	\$53,562
Surveyor, Land	\$151.00		
Survey Crew (2 person)	\$142.00		
CAD Technician 4	\$98.00		
CAD Technician 3	\$85.00		
Construction Manager	\$166.00		
Resident Engineer	\$142.00		
Senior Field Engineer	\$127.00		
Field Engineer	\$107.00		
Construction Inspector	\$95.00		
Office Manager	\$90.00		
Administrative Assistant, Sr.	\$81.00	4	\$324
Administrative Assistant	\$63.00		
Computer Aided Facility Management Systems Consultant Senior	\$163.00		
<b>Task Order Labor Totals</b>			<b>\$80,661.00</b>

Direct Expenses - \$3,869.00

Authorized Representatives and Signatures:

City of Atlanta Representative: Richard Mendoza    Signature:   
 Date: 10/27/16

Consultant Representative: Adiele Nwankwo    Signature:   
 Date: 11/16/2016

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

Agreement Number: FC-7383, Architecture and Engineering Professional Service

Task Order Number: 6

Task Order Consultant: PB-BENCHMARK JV

Page 4

**EXHIBIT A****I. SCOPE OF WORK**

Through its creation of a new division, Environment, Social Responsibility, and Governance Engagement, the City of Atlanta Department of Public Works (DPW) wishes to evaluate the environmental regulatory compliance and management practices of 23 existing public works facilities (see table below). The current environmental compliance status of these facilities is not well known. Based on the results of the regulatory compliance audits of the facilities, the DPW would like to develop a program to manage the environmental issues identified at the sites.

Division	Name	Function	Address
Motor Transport	Admin & Main Garage	Heavy Truck Maintenance Facility	23 Claire Drive, SE
Motor Transport	Airport Maintenance - Fire & Safety	Repair Airport Fire Equipment	4550 ASR Road
Motor Transport	General Repair Facility	Repair Automotive & Light Trucks	1370 Howell Mill Road, NW
Motor Transport	Maddox Park Facility	Repair Heavy Trucks	1115 North Avenue, NW
Motor Transport	Hill Street Facility	Repair Heavy Trucks	1146 Hill Street, SE
Motor Transport	Lakewood Facility	Repair Heavy Trucks	128 Claire Drive, SE
Motor Transport	Northside "A,B,C" Buildings	Repair Heavy Trucks	1540 Northside Drive, NW
Motor Transport	Chester Avenue Facility	Repair Heavy Trucks	315 Chester Avenue, SE
Motor Transport	Northside Maintenance Facility	Repair Off-Road/Lawn & Garden Equipment	1540 Northside Drive, NW
Solid Waste	Liddell Sub-Station	Special Operations	1540 Northside Drive, NW
Solid Waste	Lakewood Sub-Station	Garbage Collection	128 Claire Drive, SE
Solid Waste	Chester Avenue Sub-Station	Special Operations	315 Chester Avenue, SE
Solid Waste	Maddox Park Sub-Station	Garbage Collection	1120 North Avenue, NW
Solid Waste	Gun Club	Landfill (Closed)	1401 Gun Club Road, NW
Solid Waste	Key Road	Landfill (Closed)	1500 Key Road, SE

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

Agreement Number: FC-7383, Architecture and Engineering Professional Services

Task Order Number: 6

Task Order Consultant: PB-BENCHMARK JV

Page 5

Division	Name	Function	Address
Solid Waste	Hartsfield Incinerator	Landfill (Closed)	2175 James Jackson Parkway, NW
Solid Waste	Cascade	Landfill (Closed)	4047 Cascade Road
Solid Waste	East Confederate	Landfill (Closed)	935 E Confederate Avenue
Transportation	Sign Shop	Signs & Markings	124 Claire Drive, SW
Transportation	Signal Shop	Traffic Signals	120 Claire Drive, SW
Transportation	North Avenue	Construction & Maintenance Facility	1150 North Avenue, NW
Transportation	Concrete Plant	Concrete Plant	1110 Hill Street, SE
Transportation	Concrete Plant	Concrete Plant	1111 Hill Street, SE

This scope of work addresses conducting the initial environmental compliance audits of the 23 public works facilities. Based on the results of the audits of the facilities, a scope of work will be provided to the DPW to develop a program to manage the environmental issues identified.

The scope of work for the environmental compliance audits of the public works facilities includes conducting site visits, reviewing documents, reporting compliance observations and findings, and providing a statement of recommendations based on the results of the individual audits and the overall environmental compliance of the public works facilities and operations.

Below is a list of subtasks for the environmental compliance audit of each public works facility.

#### Task 1: Compliance Audit

##### Site Inspection

Based on the location and type of public works sites being assessed, several sites can be visited within the same day.

1. Evaluate the Interior and exterior of each facility and assess compliance with applicable federal, state, and local environmental regulations, including:
  - a. Resource Conservation and Recovery Act governing waste management
  - b. Superfund Amendments and Reauthorization Act governing chemical use, storage, and release reporting and emergency response
  - c. Oil pollution prevention regulations governing the requirements for preparation of a spill prevention, control, and countermeasures plan
  - d. Safe Drinking Water Act governing drinking water supply
  - e. Clean Water Act governing wastewater and storm water discharges
  - f. Clean Air Act governing air emissions and ozone-depleting substances use
  - g. Toxic Substances Control Act governing polychlorinated biphenyls and chemical import/export requirements
  - h. Federal Insecticide, Fungicide, and Rodenticide Act governing the use of pesticides

Agreement Number: FC-7383, Architecture and Engineering Professional Services

Task Order Number: 6

Task Order Consultant: PB-BENCHMARK JV

Page 6

- i. Department of Homeland Security's Chemical Facility Anti-Terrorism Standards governing the use of chemicals of interest
2. Interview available facility personnel with environmental responsibilities and knowledge of site-relevant environmental compliance to identify potential regulatory compliance issues, as well as information on release response and reporting procedures
3. Document facility conditions and issues with photographs when allowed

### Records Review

Review available relevant environmental records, including but not limited to:

1. permits and associated applications
2. emission inventories
3. inspection and operations logs
4. environmental analyses and characterizations
5. waste disposal manifests and other records
6. training records
7. required environmental plans and programs
8. release reports, notices of violation
9. regulatory compliance orders
10. applicable operating procedures

For each audit, WSP|PB will typically consider only facility records prepared within 3 years before the date of the audit, unless there is a regulatory requirement to maintain a record for a longer period of time.

### Reporting

WSP|PB will prepare draft audit reports (i.e., one per facility) which will consist of a narrative of the current regulatory status of the facility and a summary table (corrective action plan [CAP]). The CAP will consist of an MS Word table which will include each finding, regulatory area description, finding classification (regulatory or good management practice), regulatory citation (if applicable), and a recommendation for addressing the finding. Each report will include a description of the specific facts observed or other supporting evidence that describes any identified issues. The reports will also include figures and photographs to highlight identified noncompliance areas. WSP|PB will make actionable recommendations to address specific findings and any underlying system issues that should be addressed to prevent recurrence. In addition to regulatory non-conformances, WSP|PB will include findings in accordance with standard industry good management practices.

The draft audit reports will be provided to the DPW within 4 weeks of the conclusion of all site visits. After WSP|PB has incorporated the DPW's comments into the draft reports, final versions of the reports will be issued via electronic mail.

### Exclusions & Limitations

1. The labor hours and expenses to conduct the site visits are dependent on the site visits being conducted in the site groupings and onsite visits being conducted during consecutive days of the week, within an approximately 2-week long period.
2. The labor hours to conduct the site visits are dependent on DPW personnel knowledgeable about the operations conducted at the site being available at the time of the scheduled site visit.
3. The labor hours to conduct the document reviews assumes that documents may need to be reviewed at a location other than the operating site, but that the document reviews can be conducted during the same timeframe that the site visits are conducted.

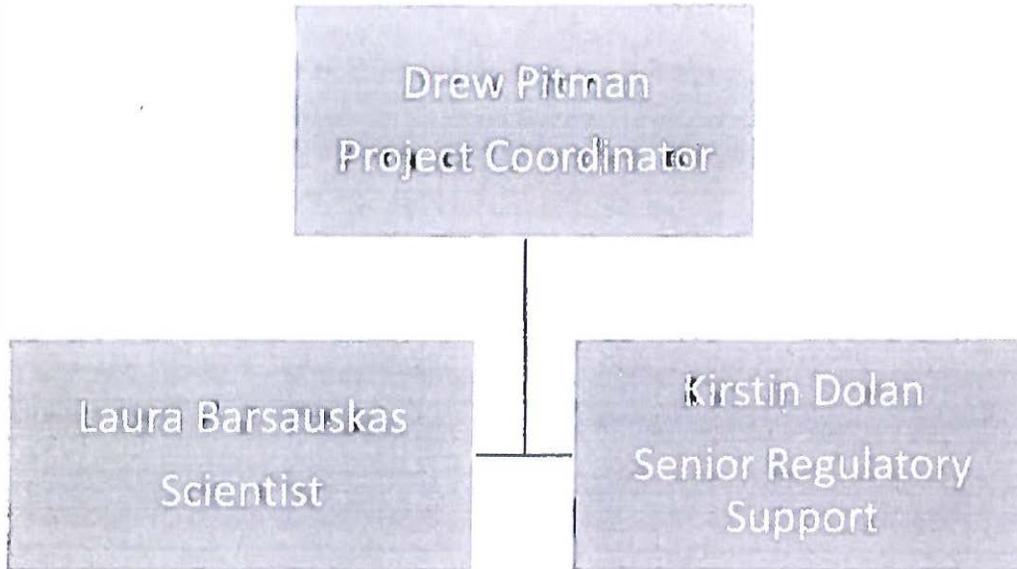
Agreement Number: FC-7383, Architecture and Engineering Professional Services  
Task Order Number: 6  
Task Order Consultant: PB-BENCHMARK JV

Page 7

4. The work proposed does not include evaluating compliance with Occupational Health and Safety or Department of Transportation regulations.
5. The work proposed does not include collecting or analyzing any samples of environmental media.
6. The compliance audit will assess current practices, and not historical non-compliances.

If historical operations are identified that may indicate the potential existence of onsite soil or groundwater contamination that has not already been identified, a recommendation for investigating the issue further will be provided.

ii. **PROJECT TEAM (see org. chart below)**



Drew Pitman currently serves as a Lead Environmental Planner for WSP | Parsons Brinckerhoff. He has over nine years' experience as a Lead Environmental Planner and project manager on projects including roadway improvements, bridge replacements and improvements, safety projects, sidewalk enhancements, and multi-use trail projects. He has worked with the Federal Highway Administration, US Army Corps of Engineers, Georgia Environmental Protection Division, GDOT, and numerous county DOT and local municipalities for preparation of documents in accordance with a variety of state and federal regulations. Mr. Pitman has successfully completed over 60 environmental certifications in his career.

Kirstin Dolan, senior project director and CPEA based in our Herndon, Virginia, office, brings over 26 year of relevant environmental compliance experience to the project. Ms. Dolan conducts environmental site assessments; regulatory compliance audits; and environmental, ChemStewards®, and Responsible Care® management systems evaluations. Ms. Dolan manages global due diligence and compliance auditing projects. She has a wide range of industrial experience, including metal forming and finishing, plastic injection molding and extrusion, chemical and pharmaceutical manufacturing, oil and gas extraction and distribution, electronic components manufacturing, food preparation and distribution, copper mining, aircraft engine and automotive parts manufacturing, boat manufacturing and ship yards, steel mills, electric power generation, construction projects, theme parks, and financial institutions. Ms. Dolan provides training to clients on various environmental regulatory compliance topics and management system development and implementation.

Laura Barsauskas, environmental consultant in our Herndon, Virginia, office, conducts environmental site assessments and compliance audits for clients in the industrial, commercial, energy, and financial sectors. Ms. Barsauskas manages environmental site assessment projects and provides assistance with site investigations and regulatory compliance at remediation sites. Ms. Barsauskas also provides regulatory support to WSP|PB clients, including the preparation of spill, prevention, control, and countermeasure plans, RCRA contingency plans, and hazardous waste management.

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

**DEPARTMENT OF PROCUREMENT  
LEGISLATION SUMMARY**

**FC-7383F, Citywide Architectural Engineering and Design Services**

**TO: CITY UTILITIES COMMITTEE**

**CAPTION**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**COMMITTEE MEETING**

**DATE: November 29, 2016**

**COUNCIL MEETING**

**DATE: January 3, 2017**

**LEGISLATION TITLE: Architectural, Engineering and Design Services, Environmental Assessment of Public Works Facilities, FC-7383F, Task Order No. 6**

**REQUESTING DEPT.: Department of Public Works**

**CONTRACT TYPE: Professional Services**

**AWARDEES: PB-BenchMark Joint Venture**

**SOURCE SELECTION: RFP**

**PROPOSALS DUE: October 8, 2014**

**INVITATIONS MAILED: 1274**

**PROPOSALS  
RECEIVED: 11**

**PROPONENTS: AECOM/ DHA, Joint Venture  
Arcadis /Brindley Pieters & Associates, Inc, Joint Venture  
Atlanta Services Group III, Joint Venture  
BGR2, Joint Venture  
Brown & Caldwell/Williams-Russell & Johnson Inc., Joint  
Venture**

JP2, Joint Venture  
CH2M Hill Engineers/Rohadfox, Joint Venture  
Parsons Brinckerhoff/BenchMark, Joint Venture  
Parsons/RL Brown & Associates Inc., Joint Venture  
Sustainable Atlanta Infrastructure, Joint Venture  
Atlanta Infrastructure Design Group, Joint Venture

Contractor: PB-BenchMark, J V

Estimated Value: \$84,530.00

Scope Summary: PB-BenchMark, a Joint Venture will evaluate the environmental regulatory compliance and management practices of twenty three (23) existing public works facilities. The current environmental compliance status of these facilities is not well known.

BACKGROUND: Original contract was executed on November 10, 2015 and expires on November 9, 2018.

EVALUATION TEAM COMPOSITION: DWM, DPW, DPCD, OEAM, DPRCA

TERM OF CONTRACT: Three (3) years with an option to renew for two (2) one (1) year periods.

FUND ACCOUNT CENTERS: 1001 (General Fund) 130301 (DPW Transportation Administration) 5212001 (Consulting/Professional Services) 4210000 (Highways & Streets Admin), 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Admin) 5212001 (Consulting/Professional Services) 4510000 (Solid Waste Administration), 6001 (Fleet Service Fund) 130401 (DPW-Fleet Services Administration) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive)

PREPARED BY: LaVern F. Tate, Esq.

CONTACT NUMBER: 404-865-8996

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview: CITY UTILITIES COMMITTEE**

**Caption:**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

**Council Meeting Date: December 13, 2016**

**Legislation Title: ASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F**

**Requesting Dept.: THE DEPARTMENT OF PUBLIC WORKS**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to issue a Task Order for FC-7383A, Annual Contract for Architectural, Engineering and Design Services with PB-Benchmark JV, A Joint Venture of Parsons Brinckerhoff, Inc. and Benchmark Management, LLC., for professional services to supplement City staff with input on best practices for project controls, project management and construction management oversight services on behalf of the Department of Public Works for the environmental audit of Public Works facilities in an amount not to exceed Eighty-four thousand five hundred thirty dollars (\$84,530.00).

**2. Please provide background information regarding this legislation.**

Through its creation of a new division, Environment, Social Responsibility, and Governance Engagement, the City of Atlanta Department of Public Works (DPW) wishes to evaluate the environmental regulatory compliance and management practices of 23 existing public works facilities (see attached). The current environmental compliance status of these facilities is not well known. Based on the results of the regulatory compliance audits of the facilities, the DPW would like to develop a program to manage the environmental issues identified at the sites.

3. If Applicable/Known: N/A

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**
- (h) **Term of Contract:**

4. **Fund Account Center:**

1001.130301.5212001.4210000	21.00%	17,751.30
5401.130501.5212001.4510000	39.50%	33,389.35
6001130401.5212001.1320000	39.50%	33,389.35
	100.00%	84,530.00
		84,530.00

5. **Source of Funds:**

6. FISCAL IMPACT

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget – see account string in legislation

Or

---



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Note

7. **Method of Cost Recovery:**

8. **Approvals:**

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

**DOF:**  
**DOL:**

**This Legislative Request Form Was Prepared By: Valerie Winrow, Director of Environment, Social Responsibility & Governance Engagement (ESG)  
Contact Number: 404.330.6215**

**Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)**

#19

16-R

*ed*

First Reading

FINAL COUNCIL ACTION

J.14.a

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

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
**Readings**  
 Consent  V Vote  RC Vote

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ISSUE A TASK ORDER WITH PB-BENCHMARK JV, A JOINT VENTURE OF PARSONS BRINCKERHOFF, INC. AND BENCHMARK MANAGEMENT, LLC., FOR FC-7383F, ARCHITECTURAL, ENGINEERING AND RISK MITIGATION FOR THE ENVIRONMENTAL AUDIT OF PUBLIC WORKS FACILITIES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS AND NO CENTS (\$84,530.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM THE FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN: AND FOR

Committee

Committee

CERTIFIED

Date

Date

Chair

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Refer To

Refer To

Committee

Committee

MAYOR'S ACTION

Date

Date

Chair

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Refer To

Refer To

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: *11/21/2016*  
Referred To: *City Utilities*  
Date Referred:  
Referred To:  
Date Referred:  
Referred To:

Attachment: 19 FC 7383F (16-R-4696 : FC 7383F)

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC., AS OWNER OF REAL PROPERTY LOCATED 2815 PEACHTREE ROAD N.E., ATLANTA, GEORGIA 30305, FOR THE PURPOSE OF INSTALLING A PERMANENT UNDERGROUND SHORING SYSTEM WITH TIE-BACKS IN THE PUBLIC RIGHTS-OF-WAY OF VIVIAN LANE N.E. ABUTTING SUCH PROPERTY; AND FOR OTHER PURPOSES.**

WHEREAS, Gardenbrand, LLC (hereinafter referred to as “Owner”) is the owner of real property located at 2815 Peachtree Road N.E., Atlanta, Georgia, 30305 (“Property”) and abutting the public rights-of-way of Vivian Lane N.E. as more particularly described on Exhibit “A” attached hereto and by this reference made a part hereof; and

WHEREAS, permanent underground shoring with tie-backs (“Encroachments”) within the Rights-of-Way are required support the shoring wall system for the proposed mixed-use six story office and retail building foundations; and

WHEREAS, the City of Atlanta (“City”) Code of Ordinances, Sections 138-20, 138-22 and 134-24, require that an Encroachment Agreement be entered into between the City and the Owner for authorization to allow the Owner’s installation and maintenance of such Encroachments in the public rights-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for such Encroachments and has determined that the Encroachments within and below the rights-of-way will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform their intended public function; and

WHEREAS, the Owner has paid or agrees to pay the required application fee of \$1,300.00 and will in an Encroachment Agreement agree to pay the yearly inspection fee of \$100.00 as required by the City Code of Ordinances, Section 138-20(a) and Appendix B; and

WHEREAS, the Owner desires to obtain permission from the City to construct and maintain the Encroachments within the Rights-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor, or his designee, is authorized to execute an Encroachment Agreement, pursuant to the provisions of Section 138, Article II, of the City’s Code of Ordinances, with the Owner, its successors in title and assigns for the purpose of granting the Owner the right to install and to thereafter maintain the Encroachments in the public rights-of-way of Vivian Lane N.E. abutting the Property.

BE IT FURTHER RESOLVED that the Owner shall indemnify the City for any damages to persons or properties resulting from the installation and maintenance of said Encroachments, and such indemnification requirement shall be set forth in the Encroachment Agreement.

BE IT FURTHER RESOLVED that the Owner shall agree to comply with the conditions set forth in Chapter 138 in general, and Sections 138-20, 138-22 and 138-24 in particular, of the City's Code of Ordinances.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare an Encroachment Agreement for execution by the Mayor, or his designee, and the Owner.

BE IT FINALLY RESOLVED that the referenced Encroachment Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the Encroachment Agreement has been approved as to form by the City Attorney, executed by the Mayor, or his designee, attested to by the Municipal Clerk and delivered to and countersigned by the Owner.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4740

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC., AS OWNER OF REAL PROPERTY LOCATED 2815 PEACHTREE ROAD N.E., ATLANTA, GEORGIA 30305, FOR THE PURPOSE OF INSTALLING A PERMANENT UNDERGROUND SHORING SYSTEM WITH TIE-BACKS IN THE PUBLIC RIGHTS-OF-WAY OF VIVIAN LANE N.E. ABUTTING SUCH PROPERTY; AND FOR OTHER PURPOSES.**

**Workflow List:**

Kajara Anderson	Completed	11/17/2016 9:08 AM
Richard Mendoza	Completed	11/17/2016 9:16 AM
Mayor's Office	Completed	11/17/2016 11:17 AM
Office of Research and Policy Analysis	Completed	11/22/2016 8:43 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: KAJARA ANDERSON

Contact Number: 404-330-6596

Originating Department: THE DEPARTMENT OF PUBLIC WORKS

Committee(s) of Purview: CITY UTILITIES COMMITTEE

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: [Signature]

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH TRANSIT SAFETY & SECURITY SOLUTIONS, INC., FOR FC-8837, ATLANTA STREETCAR SAFETY AND SECURITY CONSULTING SERVICES FOR THE ATLANTA STREETCAR, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED NINE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS AND THIRTY-FIVE CENTS (\$948,854.35); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$948,854.35

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/16 [Signature]  
(date)

Reviewed by: [Signature] DCCS  
(date)

11/16/16

Submitted to Council: \_\_\_\_\_ (date)

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

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**WHEREAS,** the Commissioner of the Department of Public Works has reviewed the plans for such Encroachments and has determined that the Encroachments within and below the rights-of-way will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform their intended public function; and

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CITY OF ATLANTA

KASIM REED  
MAYOR

66 MITCHELL STREET, S.W.  
SUITE 4900, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3631  
TEL. (404) 330-6501  
FAX. (404) 650-7063

DEPARTMENT OF PUBLIC WORKS  
RICHARD MENDOZA  
Commissioner

Department of Public Works  
Office of Transportation

Information Checklist – Encroachment Agreements

In order for the Law Department to prepare Encroachment Agreements pursuant to legislation adopted by City Council, the following information needs to be provided to the Law Department by the Department of Public Works.

- Yes 1. Scaled Engineering Drawings/Plan of the location
- Yes 2. Scaled Engineering Drawings of the encroachment e.g. monuments, awnings, etc.
- Yes 3. Structural calculations with a Professional Engineer's stamp
- Yes 4. Area and Volume calculation for the encroachment Area 3,664 SF/ Volume 2,714 CY
- \_\_\_\_\_ 5. Zoning approval authorizing the project.
- \_\_\_\_\_ 6. The date that DPW completed its review and approval of the plans and technical specification for the project \_\_\_\_\_
- \_\_\_\_\_ 7. Owner of the property Gardenbrand, LLC
- \_\_\_\_\_ 8. Name and title of encroaching party official who will execute the agreement. This person must have legal authority to bind the encroaching party to the terms of the encroachment agreement.  
 Name: Michael Hoath  
 Title: President Brand Properties
- \_\_\_\_\_ 9. Full corporate name of the encroaching party
- \_\_\_\_\_ 10. Mailing address of encroaching party  
3328 Peachtree Road  
Suite 100  
Atlanta, GA 30326

- \_\_\_\_\_ 11. Name and telephone number of contact person for encroaching party.  
Rex Bray Planners & Engineers Collaborative  
(o) 678-684-6209 (c) 404-754-2808
- NA 12. When applicable, the date that the Urban Design Commission completed its review and approval of the design and location of the project  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_
- \_\_\_\_\_ 13. The amount of the public liability insurance that will be required for this project (as determined by Risk Management). Please see attached certificate.
- \_\_\_\_\_ 14. Whether the encroachment is permanent or temporary Permanent  
If temporary, the expected length of time the encroachment will be in place  
\_\_\_\_\_
- \_\_\_\_\_ 15. Whether a performance/completion bond is required for this encroachment \_\_\_\_\_  
If a bond is required, the dollar amount that will be required for the bond:  
Please see attached letter
- \_\_\_\_\_ 16. Fees to be charged by DPW to the encroaching party – If none indicate with a zero in the appropriate blank below:  
a. Application and review fee: \$1300.00  
b. ROW use fee (rental): \$100.00  
If the right-of-way use is to be imposed, please provide the basis upon which the fees has been determined:  
\_\_\_\_\_  
\_\_\_\_\_

**Purpose of Legislation:** The owner wishes to install a soil nail system under Vivian Lane to support a wall near the R/W.  
**If approved, this legislation will accomplish the following:** Approval will allow the owner to build a wall to support the office building.

**Consequences of non-approval:** The office building would be significantly reduced in size.

**Brief Summary of Project:** New mixed-use 6-story building with 123,336 sf office use and 11,120 sf of retail.

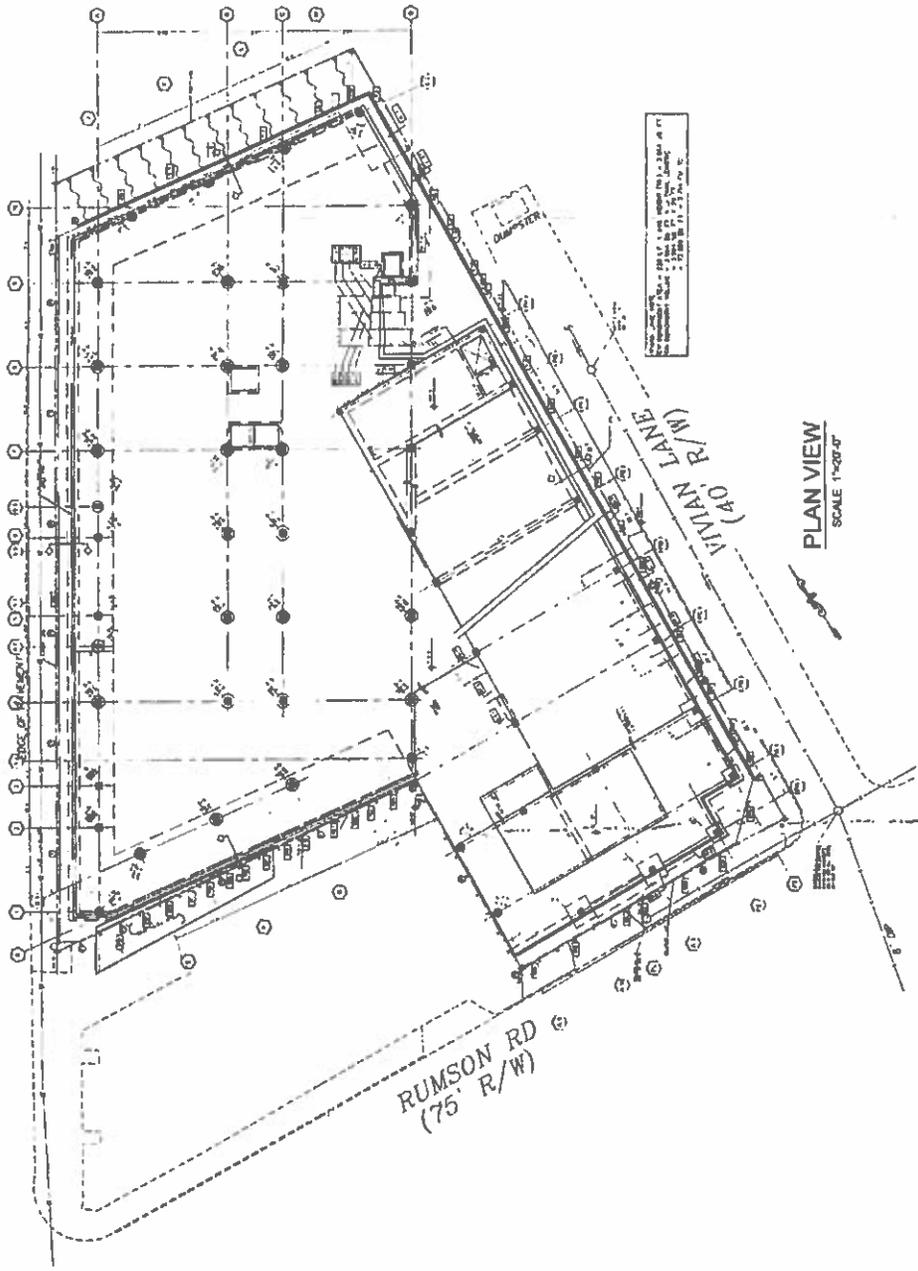
DPW contact Name: Wahab Alabi Tel: 404-330-6501

# GARDEN HILLS EXCAVATION SUPPORT PLAN

**LEGEND**

TOW = TOP OF WALL  
 BOW = BOTTOM OF WALL  
 (15) = SB NUMBER  
 10300 = TOW/EXISTING GRADE  
 15H 1V slope

PEACHTREE RD  
 GA STATE ROUTE 9, US HWY 19  
 (R/W VARIES)



Notes:  
 1. All work shall be in accordance with the specifications of the contract documents.  
 2. The contractor shall be responsible for obtaining all necessary permits.  
 3. The contractor shall maintain access to all adjacent properties at all times.

PLAN VIEW  
 SCALE 1"=30'-0"

### General Notes

These plans show the excavation support system required for the Temporary Shoring for Garden Hills Mixed Use Building in Atlanta, GA. Only those portions necessary to clarify the work of F&W Construction Co. have been shown. The following procedures should be followed closely:

- The general contractor shall layout the wall and locate all utilities which may contact with the proposed construction. This may require excavation to expose the utilities before the work can be safely installed. Any utilities in conflict will need to be removed and/or relocated.
- Excavation to the top of the soldier beams will be required prior to installation of the beams. Layout of soldier beams is by others.
- The general contractor shall complete grading at the top of the wall so that the grade behind the wall matches the elevations shown on the wall shop drawings. Careful consideration should be given to the grading at the bottom of the wall as well, ensuring the slopes represented on the plans are followed accurately.
- Dewatering shall be provided by the general contractor as may be necessary to ensure the ground water table is maintained at an elevation below the bottom of the wall.
- Each soldier beam will be installed to the required embedment based on TOV elevations and soldier beam lengths as shown in the schedule for soil conditions. If solid rock conditions are encountered before reaching the calculated embedment depth then the soldier beam will be driven to resistance. A toe or setback may be required to provide needed support. Installation of additional support will require a 15ft bench for drilling. If additional material needs to be cut below the bottom of soldier beam elevation, excavation will continue 5 ft from face of wall (step-out), and rock anchors will be installed below beam to the final cut elevation or bottom of wall. A modification design will be provided by design engineer.
- After soldier beams are installed, begin excavation in lifts of approximately 5 ft or less as directed by the F & W field superintendent. Excavation shall be provided by the general contractor so as to maintain vertical alignment within +/-2 in.
- The contractor shall maintain a firm, level 40-foot wide bench for driving soldier beams, and a 25-foot wide bench for drilling the setbacks, as well as access to and from the bench.
- Drill and install tie-back anchors and wales. After each tie-back anchor is installed, test and lock-off each tieback.
- Contractor must ensure that all tiebacks placed behind the wall has enough horizontal bearing capacity to withstand any force applied to the wall due to tieback installation, stressing, and testing. This may require a special tieback to minimize movement.

### Material Specifications

- Structural steel shall be ASTM A-36 unless stated otherwise. A soldier beams shall be A-572 Grade 50 steel.
- Anchor group shall be a neat mixture of Type I Portland Cement with a water-cement ratio of approximately 45, and having a minimum compressive strength at 28 days of  $f_c = 3000$  PSI.
- Tiebacks shall be constructed from Gr 270 ksi steel, ASTM A-416 or equivalent.

Professional Engineer Seal: J.15.a, 06/12/16CA

Plan View and Notes  
 F & W CONSTRUCTION  
 1030 Peachtree Street, N.E.  
 Atlanta, GA 30309  
 (404) 525-1100  
 Fax: (404) 525-1101  
 www.fandw.com







*Aon Risk Solutions*

July 13, 2016

Mr. R. Randall Hall  
President  
Batson-Cook Company  
P.O. Box 151  
West Point, GA 31833

**RE: Bonding Letter**

Dear Mr. Hall:

Per your request this letter will confirm that the following three sureties are pleased to act as surety for Batson-Cook Company:

Zurich (through its Fidelity and Deposit Company of Maryland and Zurich American Insurance Company) which carries an A.M. Best rating of A+ FSC XV.

The Insurance Company of the State of Pennsylvania which carries an A.M. Best rating of a A FSC XV

Liberty Mutual Insurance Company which carries an A.M. Best rating of A FSC XV.

All three sureties are licensed to do business in all 50 states, and all are listed in the US Department of the Treasury's *Listing of Approved Sureties* (Department Circular 570).

Reserving the sureties' rights to practice their normal underwriting functions, the sureties are prepared to provide favorable consideration for suretyship covering single contracts in the amount of \$300,000,000 and outstanding contracts in the aggregate amount of \$2,000,000,000.

Should Batson-Cook Company be awarded a contract where surety bonds are required, we fully anticipate being in a position to provide the required performance and payment bonds, subject to the sureties' review and approval of contract terms and conditions, and the application of such other underwriting criteria as are pertinent at the time said bonds are requested by Batson-Cook Company. The arrangement for bonds is always a matter solely between your sureties and Batson-Cook Company, and your sureties assume no liability to you or to third parties by the issuance of this letter.

We hold Batson-Cook Company in the highest possible regard. If we can provide further assurance or assistance please do not hesitate to contact us.

Yours very truly,

  
Wesley P. Williams, Surety Manager

# Turner

INSURANCE & BONDING Co

2601 Bell Rd. PO Drawer 230789 TOLL FREE OFFICE FAX WEB  
Montgomery, AL 36117 Montgomery, AL 36123 1 (800) 828-8015 (334) 244-0004 (334) 244-0350 turnerfirst.com

August 25, 2016

Mr. Tom Thrasher  
Batson-Cook Construction  
200 Galleria Parkway, Suite 1300  
Atlanta, GA 30339

Re: F&W Construction Co., Inc.

Dear Mr. Thrasher:

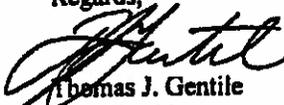
Our agency has handled the bond needs of F&W Construction Co., Inc. ("F&W") for over twenty (20) years.

Presently, the contractor's bonds are written by Fidelity & Deposit Company of Maryland ("F&D"). The F&D has authorized single jobs in excess of \$5,000,000 and entertained an aggregate bonding limit over fifteen million.

The F&D is licensed to do business in all fifty (50) states, and it carries an A.M. Best Rating of A+ ("Superior"). The surety's Treasury listing, according to the July 1, 2016 Federal Trade Register is \$14,738,000.

We are delighted to recommend F&W Construction Co., Inc., and we are confident they possess the necessary experience, personnel and financial capabilities to successfully complete any project they might undertake.

Regards,

  
Thomas J. Gentile  
Vice-President

**A DOLLAR'S WORTH OF SERVICE FOR EVERY PREMIUM DOLLAR.**

**MONTGOMERY • DECATUR • MOBILE**



# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
07/07/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**  
Aon Risk Services South, Inc.  
Atlanta GA Office  
3565 Piedmont Rd NE, Bldg1, #700  
Atlanta GA 30305 USA

**CONTACT NAME:**  
**PHONE (AC. No. Ext):** (866) 283-7122 **FAX (AC. No.):** (800) 363-0105

**E-MAIL ADDRESS:**

**INSURED**  
Batson-Cook Company  
817 Fourth Avenue  
P.O. Box 151  
West Point GA 31833 USA

INSURER(S) AFFORDING COVERAGE	NASC #
INSURER A: Liberty Mutual Fire Ins Co	23035
INSURER B: Liberty Insurance Corporation	42404
INSURER C: The Ohio Casualty Insurance Company	24074
INSURER D:	
INSURER E:	
INSURER F:	

Holder Identifier :

### COVERAGES

CERTIFICATE NUMBER: 570062969804

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. **Limits shown are as requested**

PROD LTR	TYPE OF INSURANCE	ADDL BUSH INSD WVG	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:		TB7621094012026	07/01/2016	07/01/2017	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP ADD \$4,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> Hired AUTOS ONLY		AS2-621-094012-046	07/01/2016	07/01/2017	COMBINED SINGLE LIMIT (Per accident) \$2,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
C	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> DED <input type="checkbox"/> RETENTION		EU01756164886	07/01/2016	07/01/2017	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in PA) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	WA762D094012016	07/01/2016	07/01/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000

Certificate No : 570062969804

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

### CERTIFICATE HOLDER

### CANCELLATION

City of Atlanta  
55 Trinity Avenue  
Atlanta GA 30335 USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Aon Risk Services South Inc*

**A RESOLUTION****BY** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AND EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC, ITS SUCCESSORS IN TITLE AND ASSIGNS, AS OWNER OF REAL PROPERTY LOCATED AT 2815 PEACHTREE ROAD, N.E., ATLANTA, GEORGIA, 30305, FOR THE PURPOSE OF ALLOWING PERMANENT UNDERGROUND SHORING AND SOIL NAILS WITHIN AND UNDER THE PUBLIC RIGHT-OF-WAY OF VIVIAN LANE, N.E., LOCATED IN LAND LOT 100 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS, Gardenbrand, LLC, its successors in title and assigns (hereinafter referred to as "Owner") is the owner of real property located at 2815 Peachtree Road, N.E. ("Property") and adjoining the public rights-of-way of Peachtree Road, N.E., Rumson Road, N.E., and Vivian Lane, N.E., located in Land Lot 100 of the 17<sup>th</sup> District of Fulton County, State of Georgia, as more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof; and**

**WHEREAS, permanent underground shoring and soil nails ("Encroachment") within the right of way of Vivian Lane, N.E. is required for the redevelopment of the Property; and**

**WHEREAS, the City of Atlanta's ("City") Code of Ordinances, at Sections 138-20, 138-22 and 134-24, requires that an Encroachment Agreement be entered into between the City and the Owner for authorization to allow for the Owner's installation and maintenance of such Encroachment in the public right-of way; and**

**WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for such right-of-way Encroachment and has determined that the Encroachment within and below the right-of-way will not adversely impact the ability of the affected right-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and**

**WHEREAS, the Owner has paid or agrees to pay the required application fee of \$1,300.00 and will in an Encroachment Agreement agree to pay the yearly inspection fee of \$100.00 as required by the City Code of Ordinances, Section 138-20(a) and Appendix B; and**

**WHEREAS, the Owner desires to obtain permission from the City to construct and maintain the Encroachment within the right-of-way below the surface of Vivian Lane, N.E.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor or his designee, on behalf of the City, is authorized to enter into and execute an Encroachment Agreement, as outlined in Section 138, Article II, of the City's Code of Ordinances, with the Owner, its successors in title and assigns for the purpose of granting the Owner the right to install and to thereafter maintain the Encroachment in the public right-of-way of Vivian Lane, N.E. abutting the Property, in a form and pursuant to the conditions**

determined by the Commissioner of the Department of Public Works and the City Attorney, to be desirable and in the best interests of the City for this transaction.

**BE IT FURTHER RESOLVED** that the Owner shall indemnify the City for any damages to persons or properties resulting from the installation and maintenance of said Encroachment, and such indemnification requirement shall be set forth in the Encroachment Agreement.

**BE IT FURTHER RESOLVED** that in the Encroachment Agreement, the Owner shall agree to comply with the conditions set forth in Chapter 138 in general, and Sections 138-20, 138-22 and 138-24 in particular, of the City's Code of Ordinances.

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

**BE IT FINALLY RESOLVED** that the referenced Encroachment Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the Encroachment Agreement has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk and delivered to and countersigned by the Owner.

**EXHIBIT "A"****LEGAL DESCRIPTION**

**ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 100 of the 17<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:**

**Beginning at an iron pin set at the intersection of the westerly right-of-way line of Vivian Lane (40' R/W) and the northerly right-of-way line of Rumson Rd (75' R/W), said point being the TRUE POINT OF BEGINNING; thence along the right-of-way line of Rumson Rd, North 78 degrees 16 minutes 47 seconds West a distance of 109.69 feet to a concrete nail found; thence leaving said right-of-way line, North of 11 degrees 40 minutes 56 seconds East a distance of 77.94 feet to an iron pin set; thence North 74 degrees 06 minutes 44 seconds West a distance of 143.30 feet to an iron pin set on the southeasterly right-of-way line, North 40 degrees 50 minutes 08 seconds East a distance of 275.00 feet to an iron pin set; thence leaving said right-of-way line, South 73 degrees 01 minutes 57 seconds East a distance of 117.45 feet to an iron pin set on the westerly right-of-way line of Vivian Lane; thence along said right-of-way line, South 11 degrees 22 minutes 41 seconds West a distance of 317.87 feet to an iron pin set and the TRUE POINT OF BEGINNING.**

**Said tract containing 1.242 acres.**

# Temporary Excavation Support Design Calculations

**Garden Hills Mixed Use Building**

**Atlanta, GA**

*General Contractor:*  
**Batson-Cook Construction Co.**

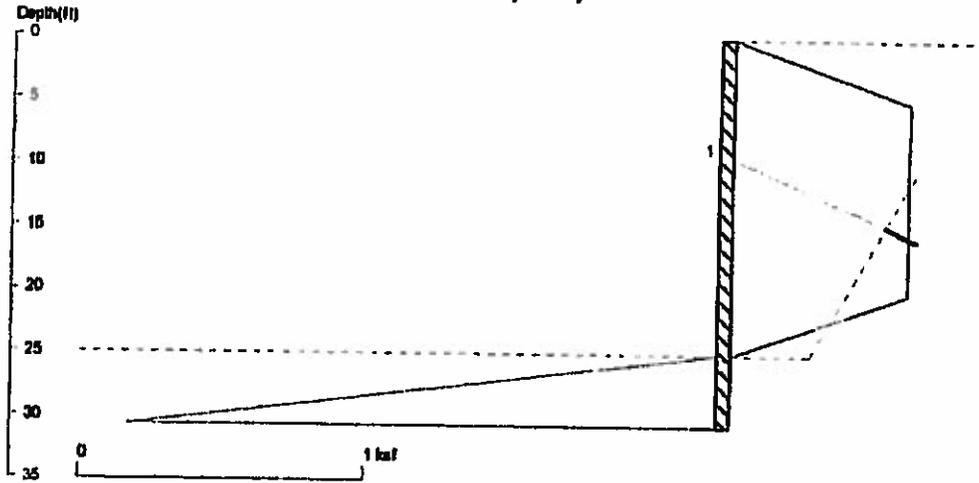
*Wall Design / Build Contractor:*  
**F & W Construction Co.**  
1875 Mitchell Rd.  
Suite D  
Mableton, GA 30126  
404 699 2725



A handwritten signature in black ink that reads "John S. Davis".

**John Sidney Davis**  
GA PE 14081  
September 9, 2016

### Garden Hills Excavation Support SB 1-33 & 75-77 (H=25')



<ShoringSuite> CIVILTECH SOFTWARE USA www.civiltechsoftware.com

Licensed to 4324324234 3424343 Date: 9/8/2016  
 File: C:\Users\Slid\Documents\Current Jobs\Midtown MOB\F & W drawings and design\Midtown MOB H=25'.sh8

Wall Height=25.0 Pile Diameter=1.0 Pile Spacing=8.0 Wall Type: 3. Soldier Pile, Driving

PILE LENGTH: Min. Embedment=5.72 (8-10ft is recommended!!!) Min. Pile Length=30.72  
 MOMENT IN PILE: Max. Moment=137.52 per Pile Spacing=8.0 at Depth=18.98

**BRACE FORCE: Strut, Tieback, Plate Anchor, and Deadman**

No. & Type	Depth	Angle	Space	Total F.	Horiz. F.	Vert. F.	L. free	Fixed Length
1. Tieback	9.0	25.0	8.0	90.8	82.3	38.4	13.5	28.9

UNITS: Width, Diameter, Spacing, Length, Depth, and Height - ft; Force - kip; Bond Strength and Pressure - ksf

**DRIVING PRESSURES (ACTIVE, WATER, & SURCHARGE):**

Z1	P1	Z2	P2	Slope
0	0	5.0	0.625	0.125000
5.0	0.625	20.0	0.625	0.000000
20.0	0.625	25.0	0	-0.12500

**PASSIVE PRESSURES:**

Z1	P1	Z2	P2	Slope
25.0	0.00	999.0	350.60	0.360

**ACTIVE SPACING:**

No.	Z depth	Spacing
1	0.00	8.00
2	25.00	1.00

**PASSIVE SPACING:**

No.	Z depth	Spacing
1	25.00	3.00

UNITS: Width, Spacing, Diameter, Length, and Depth - ft; Force - kip; Moment - kip-ft  
 Friction, Bearing, and Pressure - ksf; Pres. Slope - kip/ft<sup>3</sup>; Deflection - in

## DETERMINE TIEBACK LENGTHS, AND SIZES

Tieback Angle,  $\theta := 30\text{-deg}$ Bond LengthDiameter of Drilled Hole  $d := 6\text{-in}$ Design Load,  $T_1 = 91\text{-k}$ 

Bond Stress between Soil and Grout

$$t_w := 35\text{-psi}$$

(From Table 7, Publication FHWA-IF-99-015; Avg. ultimate bond stress ranges from 24.7-59.4 psi for the range of soil types reflected on the soil borings, therefore 35 psi is a conservative value to use)

$$\text{Bonded Length } L_b := \frac{T_1}{(\pi \cdot d \cdot t_w)} \cdot 2 \quad L_b = 22.989\text{-ft} \quad \text{Use } L_{\text{act}} := 30\text{-ft}$$

## DETERMINE UNBONDED ANCHOR LENGTH

 $\phi := 30\text{-deg}$ 

$$\text{Failure plane angle, } \alpha := 45\text{-deg} - \frac{\phi}{2} \quad \alpha = 30\text{-deg}$$

$$\text{Unbonded Length, } L_u := \frac{(H - H_1) \cdot \sin(\alpha)}{\sin[180\text{-deg} - (90\text{-deg} - \theta) - \alpha]} + \frac{H}{5} \quad L_u = 13\text{-ft}$$

Assume Unbonded Length for Upper Tieback,  $L_{uw} := 15\text{-ft}$ Jacking Length,  $L_j := 5\text{-ft}$ 

$$\text{Total Length, } L_1 := L_j + L_u + L_b \quad L_1 = 50\text{-ft}$$

## SIZE TENDON

Design Load  $\leq 0.6 \cdot \text{GUTS}$  where  $\text{GUTS} := 58.6\text{-k}$  per strand

$$\text{Number of 0.6" dia. Gr 270 ksi strand required, } N_{\text{strands}} := \frac{T_1}{0.6 \cdot \text{GUTS}} \quad N_{\text{strands}} = 2.588$$

Use 3 - 0.6" dia Gr 270 ksi strand @ 50 ft

## Soldier Beam & Tieback Computation

### H=25' SB 34 & 69-74

Wall Height,	$H_w := 20\text{-ft}$
Height Above 1st Tieback,	$H_1 := 7\text{-ft}$
1st Tie Component,	$T_1 := 58\text{-k}$
Maximum Bending Moment,	$M_{\max} := 76\text{-ft}\cdot\text{k}$

It is assumed that the tieback wall system is free-draining

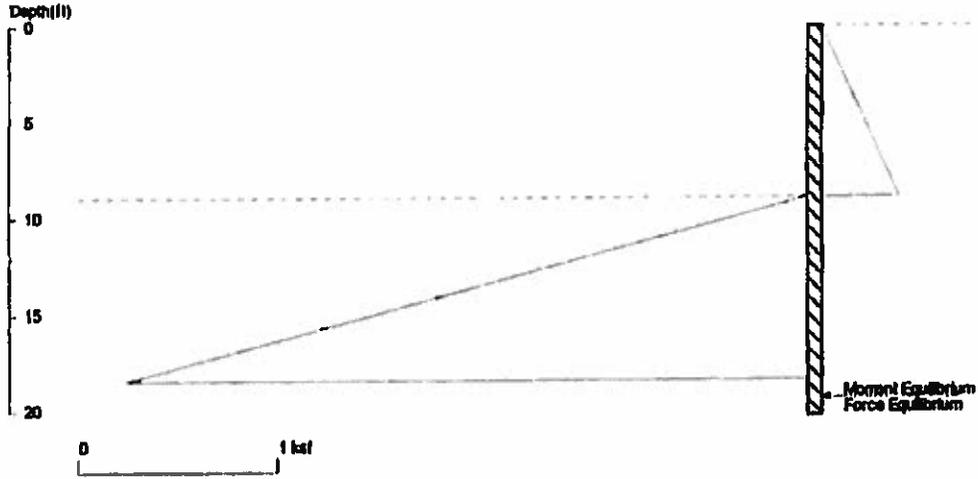
#### SOLDIER BEAM SIZE

Allowable Bending Stress,  $f_b := 33\text{-ksi}$

$$M_{\max} = 76\text{-k}\cdot\text{ft}$$

$$S_{xx} := \frac{M_{\max}}{f_b} \quad S_{xx} = 27.636\text{-in}^3 \quad \text{Use HP10x42, } S_{xx} := 43\text{-in}^3$$

**Garden Hills Excavation Support**  
SB 35-44 H=9'



<SharingDate> CIVILTECH SOFTWARE USA www.civiltechsoftware.com

Licensed to 4324324234 3424343 Date: 8/8/2016  
File: C:\Users\Sid\Documents\Current Jobs\Midtown MOB\F & W drawings and design\Midtown MOB H=8'.sh8

Wall Height=9.0 Pile Diameter=1.0 Pile Spacing=8.0 Wall Type: 3. Soldier Pile, Driving

PILE LENGTH: Min. Embedment=11.37 Min. Pile Length=20.37  
MOMENT IN PILE: Max. Moment=78.45 per Pile Spacing=8.0 at Depth=13.68

**DRIVING PRESSURES (ACTIVE, WATER, & SURCHARGE):**

Z1	P1	Z2	P2	Slope
0	0	9	.4	0.044444

**PASSIVE PRESSURES:**

Z1	P1	Z2	P2	Slope
9.0	0.00	999.0	358.80	0.360

**ACTIVE SPACING:**

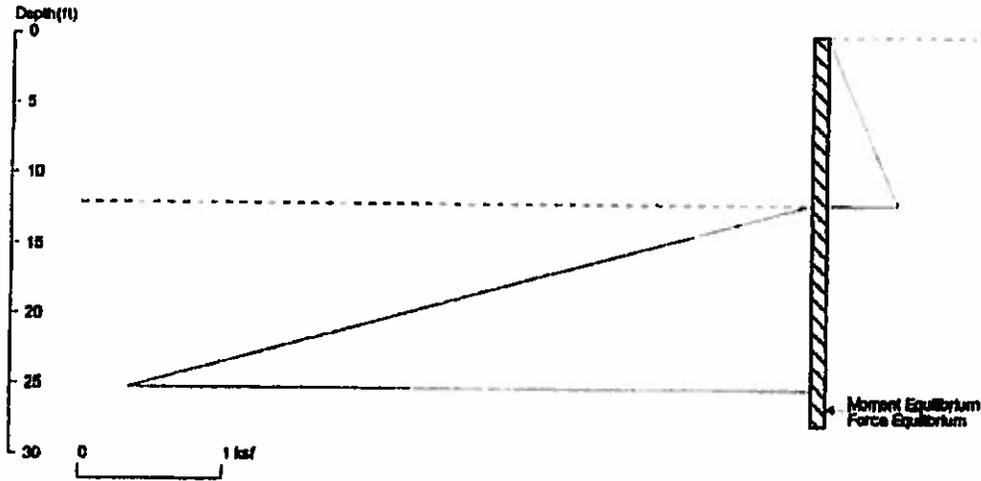
No.	Z depth	Spacing
1	0.00	8.00
2	8.00	1.00

**PASSIVE SPACING:**

No.	Z depth	Spacing
1	8.00	3.00

UNITS: Width, Spacing, Diameter, Length, and Depth - ft; Force - kip; Moment - kip-ft  
Friction, Bearing, and Pressure - ksf; Pres. Slope - kip/ft<sup>3</sup>; Deflection - in

### Garden Hills Excavation Support SB 45-59 H=12'



<ShoringSuite> CIVILTECH SOFTWARE USA www.civiltechsoftware.com

Licensed to 4324324234 3424343 Date: 8/9/2016  
 File: C:\Users\Sid\Documents\Current Jobs\Garden Hills\Garden Hills Design\H=9'.sh8

Wall Height=12.0 Pile Diameter=1.0 Pile Spacing=8.0 Wall Type: 3. Soldier Pile, Driving

PILE LENGTH: Min. Embedment=15.79 Min. Pile Length=27.79  
 MOMENT IN PILE: Max. Moment=202.45 per Pile Spacing=8.0 at Depth=16.66

**DRIVING PRESSURES (ACTIVE, WATER, & SURCHARGE):**

Z1	P1	Z2	P2	Slope
0	0	12	.5	0.041867

**PASSIVE PRESSURES:**

Z1	P1	Z2	P2	Slope
12.0	0.00	999.0	356.60	0.361

**ACTIVE SPACING:**

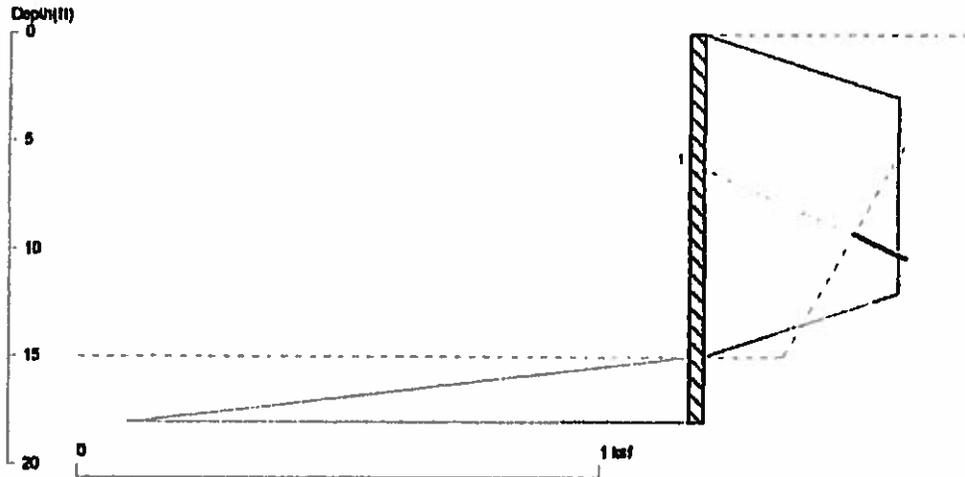
No.	Z depth	Spacing
1	0.00	8.00
2	12.00	1.00

**PASSIVE SPACING:**

No.	Z depth	Spacing
1	12.00	3.00

**UNITS:** Width, Spacing, Diameter, Length, and Depth - ft; Force - kip; Moment - kip-ft  
 Friction, Bearing, and Pressure - ksf; Pres. Slope - kip/ft<sup>3</sup>; Deflection - in

### Garden Hills Excavation Support SB 60-68 (H=15')



<ShoringSuite> CIVILTECH SOFTWARE USA www.civiltechsoftware.com

Licensed to 4324324234 3424343 Date: 8/9/2016  
 File: C:\Users\Sid\Documents\Current Jobs\Garden Hills\Garden Hills Design\H=20'.sh8

Wall Height=15.0 Pile Diameter=1.0 Pile Spacing=8.0 Wall Type: 3. Soldier Pile, Driving

PILE LENGTH: Min. Embedment=3.03 (8-10ft is recommended) Min. Pile Length=18.03  
 MOMENT IN PILE: Max. Moment=31.47 per Pile Spacing=8.0 at Depth=8.00

**BRACE FORCE: Strut, Tieback, Plate Anchor, and Deadman**

No. & Type	Depth	Angle	Space	Total F.	Horiz. F.	Vert. F.	L. free	Fixed Length
1. Tieback	8.0	25.0	8.0	34.3	31.1	14.5	7.8	10.9

UNITS: Width, Diameter, Spacing, Length, Depth, and Height - ft; Force - kip; Bond Strength and Pressure - ksf

**DRIVING PRESSURES (ACTIVE, WATER, & SURCHARGE):**

Z1	P1	Z2	P2	Slope
0	0	3	.3756	0.125200
3	.375	12	.375	0.000000
12	.375	15	0	-0.125000

**PASSIVE PRESSURES:**

Z1	P1	Z2	P2	Slope
15.0	0.00	999.0	350.60	0.358

**ACTIVE SPACING:**

No.	Z depth	Spacing
1	0.00	8.00
2	15.00	1.00

**PASSIVE SPACING:**

No.	Z depth	Spacing
1	15.00	3.00

UNITS: Width, Spacing, Diameter, Length, and Depth - ft; Force - kip; Moment - kip-ft  
 Friction, Bearing, and Pressure - ksf; Pres. Slope - kip/ft<sup>3</sup>; Deflection - in

**DETERMINE TIEBACK LENGTHS, AND SIZES**

Tieback Angle,  $\theta := 30\text{-deg}$

**Bond Length**

Diameter of Drilled Hole  $d := 6\text{-in}$

Design Load,  $T_1 = 35\text{-k}$

Bond Stress between Soil and Grout  $t_w := 35\text{-psi}$

(From Table 7, Publication FHWA-IF-99-015: Avg. ultimate bond stress ranges from 24.7-59.4 psi for the range of soil types reflected on the soil borings, therefore 35 psi is a conservative value to use)

Bonded Length  $L_b := \frac{T_1}{(\pi \cdot d \cdot t_w)} \cdot 2 \quad L_b = 8.842\text{-ft} \quad \text{Use } L_{bd} := 15\text{-ft}$

**DETERMINE UNBONDED ANCHOR LENGTH**

$\phi := 30\text{-deg}$

Failure plane angle,  $\alpha := 45\text{-deg} - \frac{\phi}{2} \quad \alpha = 30\text{-deg}$

Unbonded Length,  $L_u := \frac{(H - H_1) \cdot \sin(\alpha)}{\sin[180\text{-deg} - (90\text{-deg} - \theta) - \alpha]} + \frac{H}{5} \quad L_u = 7.5\text{-ft}$

Assume Unbonded Length for Upper Tieback,  $L_{uw} := 15\text{-ft}$

Jacking Length,  $L_j := 5\text{-ft}$

Total Length,  $L_1 := L_j + L_u + L_b \quad L_1 = 35\text{-ft}$

**SIZE TENDON**

Design Load  $\leq 0.6\text{-GUTS}$  where  $\text{GUTS} := 58.6\text{-k}$  per strand

Number of 0.6" dia. Gr 270 ksi strand required,  $\text{No}_{\text{strands}} := \frac{T_1}{0.6\text{-GUTS}} \quad \text{No}_{\text{strands}} = 0.995$

Use 2 - 0.6" dia Gr 270 ksi strand @ 35 ft

File: Garden Hills H=12.5' (North Side)

```

*****
* CALIFORNIA DEPARTMENT OF TRANSPORTATION *
* ENGINEERING SERVICE CENTER *
* DIVISION OF MATERIALS AND FOUNDATIONS *
* Office of Roadway Geotechnical Engineering *
* Date: 09-09-2016 Time: 15:43:44 *
*****

```

Project Identification - Garden Hills

----- WALL GEOMETRY -----

```

Vertical Wall Height      = 12.5 ft
Wall Batter               = 0.0 degree
                          Angle   Length
                          (Deg)  (Feet)
First Slope from Wallcrest. = 33.7   20.4
Second Slope from 1st slope. = 0.0    0.0
Third Slope from 2nd slope.  = 0.0    0.0
Fourth Slope from 3rd slope. = 0.0    0.0
Fifth Slope from 3rd slope.  = 0.0    0.0
Sixth Slope from 3rd slope.  = 0.0    0.0
Seventh Slope Angle.        = 0.0

```

----- SLOPE BELOW THE WALL -----

There is NO SLOPE BELOW THE TOE of the wall

----- SURCHARGE -----

There is NO SURCHARGE imposed on the system.

----- OPTION #1 -----

Ultimate Punching shear, Bond & Yield Stress are used.

----- SOIL PARAMETERS -----

Soil Layer	Unit Weight (Pcf)	Friction Angle (Degree)	Cohesion Intercept (Psf)	Bond* Stress (Psi)	Coordinates of Boundary	XS1 (ft)	YS1 (ft)	XS2 (ft)	YS2 (ft)
1	120.0	30.0	10.0	7.0	0.0	0.0	0.0	0.0	0.0

\* Ultimate bond Stress values also depend on BSF (Bond Stress Factor.)

File: Garden Hills H=12.5' (North Side)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
Toe	1.783	4.0	62.2	3.4	78.8	12.4

Reinf. Stress at Level 1 = 15.805 Ksi (Pullout controls...)  
 2 = 16.905 Ksi (Pullout controls...)  
 3 = 18.956 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
NODE 2	1.558	8.0	56.1	8.6	73.4	11.2

Reinf. Stress at Level 1 = 14.796 Ksi (Pullout controls...)  
 2 = 17.797 Ksi (Pullout controls...)  
 3 = 21.615 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
NODE 3	1.414	12.0	48.7	10.9	68.7	13.2

Reinf. Stress at Level 1 = 13.419 Ksi (Pullout controls...)  
 2 = 18.470 Ksi (Pullout controls...)  
 3 = 23.716 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
NODE 4	1.353	16.0	47.4	9.4	59.4	18.8

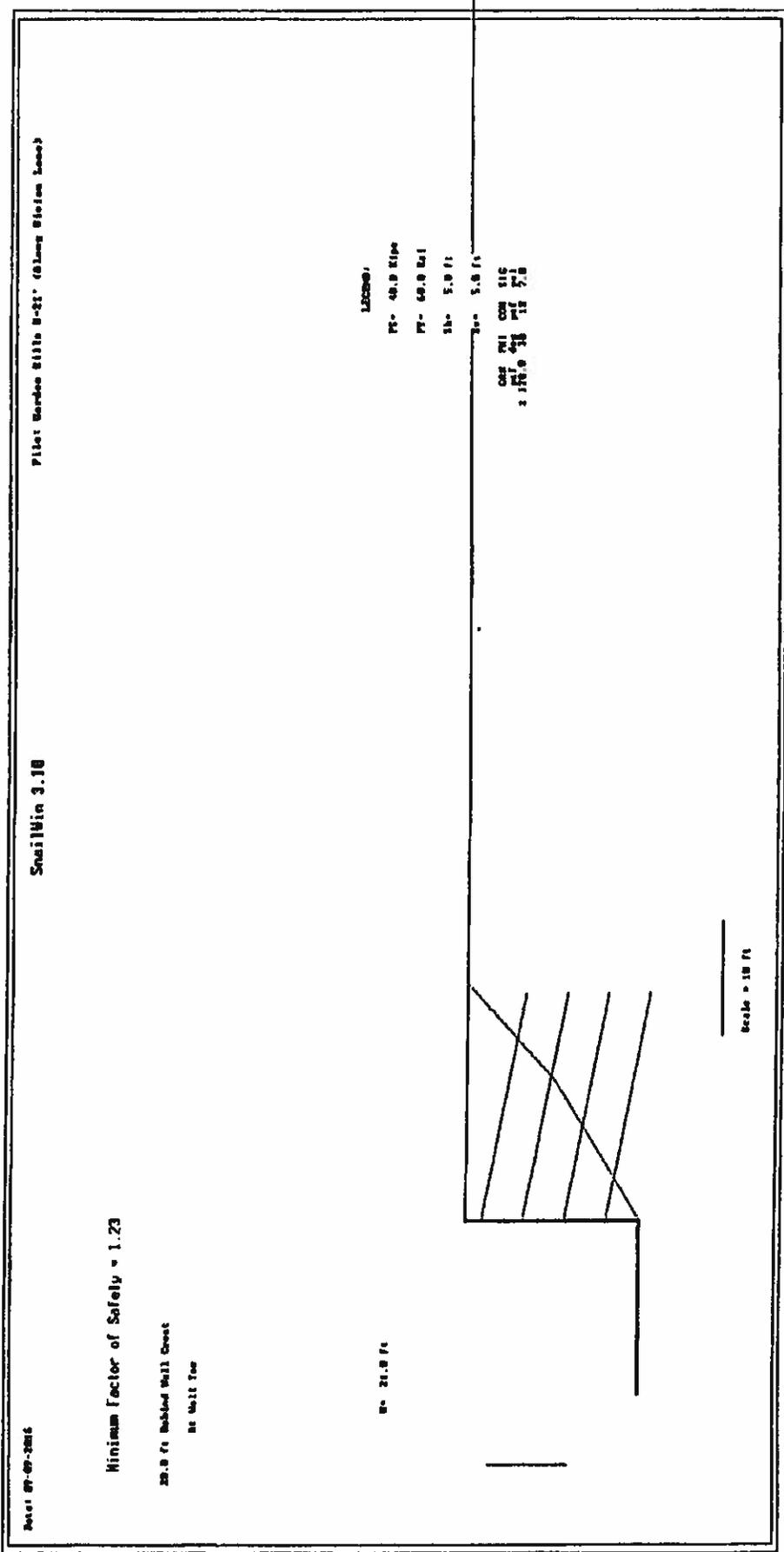
Reinf. Stress at Level 1 = 14.014 Ksi (Pullout controls...)  
 2 = 19.066 Ksi (Pullout controls...)  
 3 = 24.763 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
NODE 5	1.270	20.0	41.8	10.7	54.3	20.5

Reinf. Stress at Level 1 = 12.636 Ksi (Pullout controls...)  
 2 = 19.198 Ksi (Pullout controls...)  
 3 = 26.273 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
NODE 6	1.249	24.0	36.7	12.0	49.2	22.0

Reinf. Stress at Level 1 = 10.478 Ksi (Pullout controls...)  
 2 = 18.355 Ksi (Pullout controls...)  
 3 = 26.607 Ksi (Pullout controls...)



File: Garden Hills H=21' (Along Vivian Lane)  
----- WATER SURFACE -----

NO Water Table defined for this problem.

----- SEARCH LIMIT -----

The Search Limit is from 0.0 to 40.0 ft

You have chosen NOT TO LIMIT the search of failure planes  
to specific nodes.

----- REINFORCEMENT PARAMETERS -----

Number of Reinforcement Levels	=	4
Horizontal Spacing	=	5.0 ft
Diameter of Reinforcement Element	=	1.000 in
Yield Stress of Reinforcement	=	60.0 ksi
Diameter of Grouted Hole	=	6.0 in
Punching Shear	=	40.0 kips

----- (For ALL Levels) -----

Reinforcement Lengths	=	20.0 ft
Reinforcement Inclination	=	15.0 degrees
Vertical Spacing to First Level	=	2.0 ft
Vertical Spacing to Remaining Levels	=	5.0 ft

Reinf. Stress at Level 1 = 4.505 Ksi (Pullout controls...)  
 2 = 11.817 Ksi (Pullout controls...)  
 3 = 19.130 Ksi (Pullout controls...)  
 4 = 26.443 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 7  
 1.270            28.0            36.9    35.0        89.9    0.0

Reinf. Stress at Level 1 = 1.074 Ksi (Pullout controls...)  
 2 = 9.147 Ksi (Pullout controls...)  
 3 = 17.221 Ksi (Pullout controls...)  
 4 = 25.294 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 8  
 1.320            32.0            33.3    38.3        89.9    0.0

Reinf. Stress at Level 1 = 0.000 Ksi  
 2 = 6.596 Ksi (Pullout controls...)  
 3 = 15.153 Ksi (Pullout controls...)  
 4 = 23.709 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 9  
 1.384            36.0            30.3    41.7        89.9    0.0

Reinf. Stress at Level 1 = 0.000 Ksi  
 2 = 4.331 Ksi (Pullout controls...)  
 3 = 13.187 Ksi (Pullout controls...)  
 4 = 22.043 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 10  
 1.454            40.0            27.7    45.2        89.9    0.0

Reinf. Stress at Level 1 = 0.000 Ksi  
 2 = 2.386 Ksi (Pullout controls...)  
 3 = 11.435 Ksi (Pullout controls...)  
 4 = 20.483 Ksi (Pullout controls...)

```

.....
*
*           For Factor of Safety = 1.0
*
*           Maximum Average Reinforcement Working Force:
*
*           13.165 Kips/level
*
.....

```

File: Garden Hills H=26' (Along Vivian Lane)

```

.....
* CALIFORNIA DEPARTMENT OF TRANSPORTATION *
* ENGINEERING SERVICE CENTER *
* DIVISION OF MATERIALS AND FOUNDATIONS *
* Office of Roadway Geotechnical Engineering *
* Date: 09-09-2016 Time: 15:50:56 *
.....

```

Project Identification - Garden Hills

----- WALL GEOMETRY -----

```

Vertical Wall Height      = 26.0 ft
Wall Batter               = 0.0 degree
                          Angle   Length
                          (Deg)  (Feet)
First Slope from Wallcrest. = 0.0    0.0
Second Slope from 1st slope. = 0.0    0.0
Third Slope from 2nd slope.  = 0.0    0.0
Fourth Slope from 3rd slope. = 0.0    0.0
Fifth Slope from 3rd slope.  = 0.0    0.0
Sixth Slope from 3rd slope.  = 0.0    0.0
Seventh Slope Angle.        = 0.0

```

----- SLOPE BELOW THE WALL -----

There is NO SLOPE BELOW THE TOE of the wall

----- SURCHARGE -----

There is NO SURCHARGE imposed on the system.

----- OPTION #1 -----

Ultimate Punching shear, Bond & Yield Stress are used.

----- SOIL PARAMETERS -----

Soil Layer	Unit Weight (Pcf)	Friction Angle (Degree)	Cohesion Intercept (Psf)	Bond* Stress (Psi)	Coordinates of Boundary			
					XS1 (ft)	YS1 (ft)	XS2 (ft)	YS2 (ft)
1	120.0	30.0	10.0	7.0	0.0	0.0	0.0	0.0

\* Ultimate bond Stress values also depend on BSF (Bond Stress Factor.)

File: Garden Hills H=26' (Along Vivian Lane)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
Toe	1.598	4.0	81.3	26.3	89.9	0.0

Reinf. Stress at Level

- 1 = 26.904 Ksi (Pullout controls...)
- 2 = 27.869 Ksi (Pullout controls...)
- 3 = 28.834 Ksi (Pullout controls...)
- 4 = 29.798 Ksi (Pullout controls...)
- 5 = 30.763 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 2

	1.425	8.0	72.9	27.2	89.9	0.0
--	-------	-----	------	------	------	-----

Reinf. Stress at Level

- 1 = 25.384 Ksi (Pullout controls...)
- 2 = 27.467 Ksi (Pullout controls...)
- 3 = 29.549 Ksi (Pullout controls...)
- 4 = 31.631 Ksi (Pullout controls...)
- 5 = 33.714 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 3

	1.339	12.0	65.2	28.6	89.9	0.0
--	-------	------	------	------	------	-----

Reinf. Stress at Level

- 1 = 22.280 Ksi (Pullout controls...)
- 2 = 25.482 Ksi (Pullout controls...)
- 3 = 28.684 Ksi (Pullout controls...)
- 4 = 31.886 Ksi (Pullout controls...)
- 5 = 35.088 Ksi (Pullout controls...)

File: Garden Hills H=26' (Along Vivian Lane)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 7

1.264            28.0            42.9    38.2            89.9    0.0

Reinf. Stress at Level

- 1 = 6.752 Ksi (Pullout controls...)
- 2 = 13.651 Ksi (Pullout controls...)
- 3 = 20.550 Ksi (Pullout controls...)
- 4 = 27.449 Ksi (Pullout controls...)
- 5 = 34.347 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 8

1.279            32.0            39.1    41.2            89.9    0.0

Reinf. Stress at Level

- 1 = 3.159 Ksi (Pullout controls...)
- 2 = 10.713 Ksi (Pullout controls...)
- 3 = 18.268 Ksi (Pullout controls...)
- 4 = 25.822 Ksi (Pullout controls...)
- 5 = 33.376 Ksi (Pullout controls...)

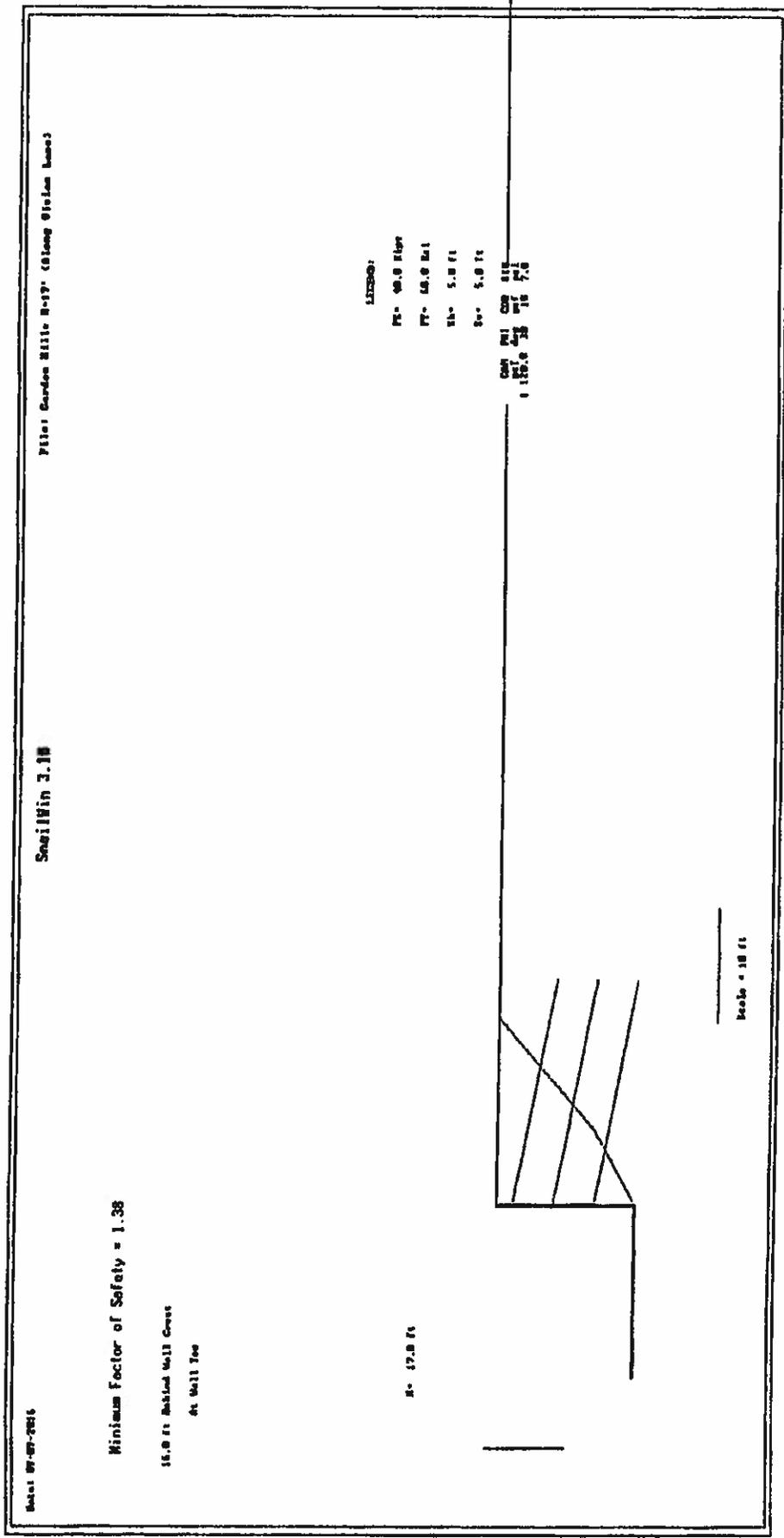
MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 9

1.301            36.0            35.8    44.4            89.9    0.0

Reinf. Stress at Level

- 1 = 0.000 Ksi
- 2 = 7.959 Ksi (Pullout controls...)
- 3 = 16.062 Ksi (Pullout controls...)
- 4 = 24.165 Ksi (Pullout controls...)
- 5 = 32.268 Ksi (Pullout controls...)



Sheet 07-07-2015

File: Garden Hills H=17' (Along Vivian Lane)  
-----> WATER SURFACE -----

NO Water Table defined for this problem.

----- SEARCH LIMIT -----

The Search Limit is from 0.0 to 40.0 ft

You have chosen NOT TO LIMIT the search of failure planes to specific nodes.

----- REINFORCEMENT PARAMETERS -----

Number of Reinforcement Levels	=	3
Horizontal Spacing	=	5.0 ft
Diameter of Reinforcement Element	=	1.000 in
Yield Stress of Reinforcement	=	60.0 ksi
Diameter of Grouted Hole	=	6.0 in
Punching Shear	=	40.0 kips

----- (For ALL Levels) -----

Reinforcement Lengths	=	20.0 ft
Reinforcement Inclination	=	15.0 degrees
Vertical Spacing to First Level	=	2.0 ft
Vertical Spacing to Remaining Levels	=	5.0 ft

J.15.a

Packet Pg. 224

Attachment: Complete Package-Gardenbrand (16-R-4740 : AN ENCROACHMENT AGREEMENT WITH

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 7

1.482	28.0	31.3	32.8	89.9	0.0
-------	------	------	------	------	-----

Reinf. Stress at Level

1 =	3.067 Ksi (Pullout controls...)
2 =	11.114 Ksi (Pullout controls...)
3 =	19.162 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 8

1.541	32.0	28.0	36.2	89.9	0.0
-------	------	------	------	------	-----

Reinf. Stress at Level

1 =	0.745 Ksi (Pullout controls...)
2 =	9.219 Ksi (Pullout controls...)
3 =	17.694 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 9

1.629	36.0	25.3	39.8	89.9	0.0
-------	------	------	------	------	-----

Reinf. Stress at Level

1 =	0.000 Ksi
2 =	7.441 Ksi (Pullout controls...)
3 =	16.096 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE10

1.732	40.0	23.0	43.5	89.9	0.0
-------	------	------	------	------	-----

Reinf. Stress at Level

1 =	0.000 Ksi
2 =	5.889 Ksi (Pullout controls...)
3 =	14.583 Ksi (Pullout controls...)

```

.....
*
*           For Factor of Safety = 1.0
*
*           Maximum Average Reinforcement Working Force:
*           11.604 Kips/level
*
.....

```

File: Garden Hills H=12' (Along Vivian Lane)

```

.....
* CALIFORNIA DEPARTMENT OF TRANSPORTATION *
* ENGINEERING SERVICE CENTER *
* DIVISION OF MATERIALS AND FOUNDATIONS *
* Office of Roadway Geotechnical Engineering *
* Date: 09-09-2016 Time: 15:56:47 *
.....
    
```

Project Identification - Garden Hills

----- WALL GEOMETRY -----

```

Vertical Wall Height      = 12.0 ft
Wall Batter               = 0.0 degree
                          Angle   Length
                          (Deg)  (Feet)
First Slope from Wallcrest. = 0.0    0.0
Second Slope from 1st slope. = 0.0    0.0
Third Slope from 2nd slope.  = 0.0    0.0
Fourth Slope from 3rd slope. = 0.0    0.0
Fifth Slope from 3rd slope.  = 0.0    0.0
Sixth Slope from 3rd slope.  = 0.0    0.0
Seventh Slope Angle.        = 0.0
    
```

----- SLOPE BELOW THE WALL -----

There is NO SLOPE BELOW THE TOE of the wall

----- SURCHARGE -----

There is NO SURCHARGE imposed on the system.

----- OPTION #1 -----

Ultimate Punching shear, Bond & Yield Stress are used.

----- SOIL PARAMETERS -----

Soil Layer	Unit Weight (Pcf)	Friction Angle (Degree)	Cohesion Intercept (Psf)	Bond* Stress (Psi)	Coordinates of Boundary			
					XS1 (ft)	YS1 (ft)	XS2 (ft)	YS2 (ft)
1	120.0	30.0	10.0	7.0	0.0	0.0	0.0	0.0

\* Ultimate bond Stress values also depend on BSF (Bond Stress Factor.)

File: Garden Hills H=12' (Along Vivian Lane)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
Toe	1.450	4.0	56.3	4.3	79.2	8.6

Reinf. Stress at Level 1 = 15.895 Ksi (Pullout controls...)  
 2 = 17.199 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 2	1.405	8.0	56.3	14.4	89.9	0.0
--------	-------	-----	------	------	------	-----

Reinf. Stress at Level 1 = 13.121 Ksi (Pullout controls...)  
 2 = 17.322 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 3	1.391	12.0	45.0	17.0	89.9	0.0
--------	-------	------	------	------	------	-----

Reinf. Stress at Level 1 = 9.904 Ksi (Pullout controls...)  
 2 = 15.820 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 4	1.430	16.0	36.9	20.0	89.9	0.0
--------	-------	------	------	------	------	-----

Reinf. Stress at Level 1 = 6.809 Ksi (Pullout controls...)  
 2 = 13.977 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 5	1.496	20.0	31.0	23.3	89.9	0.0
--------	-------	------	------	------	------	-----

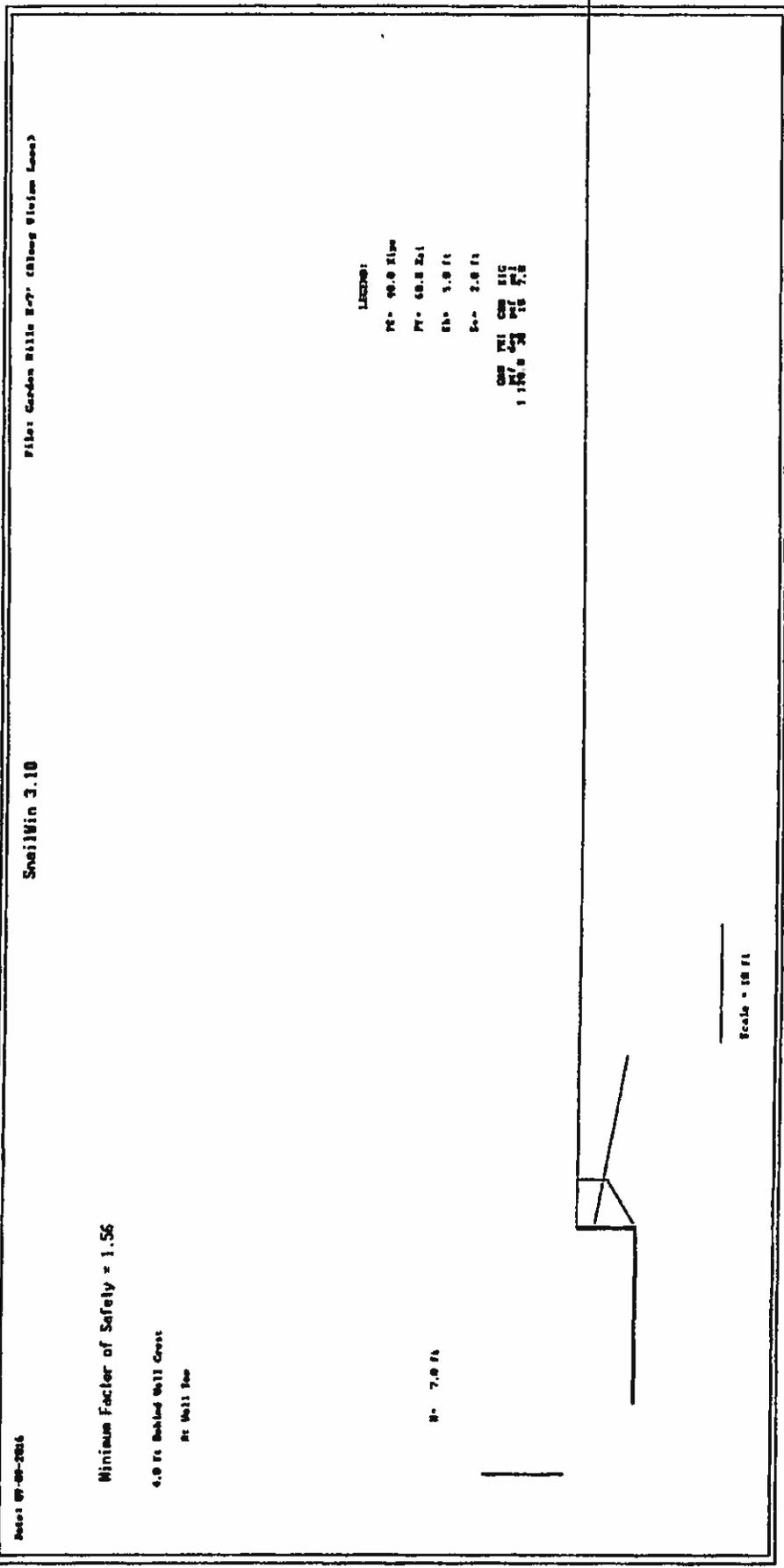
Reinf. Stress at Level 1 = 4.139 Ksi (Pullout controls...)  
 2 = 12.174 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 6	1.584	24.0	26.6	26.8	89.9	0.0
--------	-------	------	------	------	------	-----

Reinf. Stress at Level 1 = 1.933 Ksi (Pullout controls...)  
 2 = 10.510 Ksi (Pullout controls...)

	MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
--	-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------



File: Garden Hills H=7' (Along Vivian Lane)

----- WATER SURFACE -----

NO Water Table defined for this problem.

----- SEARCH LIMIT -----

The Search Limit is from 0.0 to 40.0 ft

You have chosen NOT TO LIMIT the search of failure planes to specific nodes.

----- REINFORCEMENT PARAMETERS -----

Number of Reinforcement Levels	=	1
Horizontal Spacing	=	5.0 ft
Diameter of Reinforcement Element	=	1.000 in
Yield Stress of Reinforcement	=	60.0 ksi
Diameter of Grouted Hole	=	6.0 in
Punching Shear	=	40.0 kips

----- (For ALL Levels) -----

Reinforcement Lengths	=	15.0 ft
Reinforcement Inclination	=	15.0 degrees
Vertical Spacing to First Level	=	2.0 ft
Vertical Spacing to Remaining Levels	=	5.0 ft

ATTACHMENT WITH (16-R-4740 : AN ENCROACHMENT PACKAGE-GARDENBRAND) Complete Package-Gardenbrand

	FACTOR	WALL TOE (ft)	ANGLE (deg)	LENGTH (ft)	ANGLE (deg)	LENGTH (ft)
NODE 8	3.208	32.0	12.3	32.8	89.9	0.0

Reinf. Stress at Level 1 = 2.743 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE 9	3.477	36.0	11.0	36.7	89.9	0.0
--------	-------	------	------	------	------	-----

Reinf. Stress at Level 1 = 2.206 Ksi (Pullout controls...)

MINIMUM SAFETY FACTOR	DISTANCE BEHIND WALL TOE (ft)	LOWER FAILURE PLANE ANGLE (deg)	LOWER FAILURE PLANE LENGTH (ft)	UPPER FAILURE PLANE ANGLE (deg)	UPPER FAILURE PLANE LENGTH (ft)
-----------------------	-------------------------------	---------------------------------	---------------------------------	---------------------------------	---------------------------------

NODE10	3.788	40.0	9.9	40.6	89.9	0.0
--------	-------	------	-----	------	------	-----

Reinf. Stress at Level 1 = 1.764 Ksi (Pullout controls...)

.....  
 \* For Factor of Safety = 1.0 \*  
 \* Maximum Average Reinforcement Working Force: \*  
 \* 5.516 Kips/level \*  
 .....

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview: CITY UTILITIES COMMITTEE**

**Caption:**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC., AS OWNER OF REAL PROPERTY LOCATED 2815 PEACHTREE ROAD N.E., ATLANTA, GEORGIA 30305, FOR THE PURPOSE OF INSTALLING A PERMANENT UNDERGROUND SHORING SYSTEM WITH TIE-BACKS IN THE PUBLIC RIGHTS-OF-WAY OF VIVIAN LANE N.E. ABUTTING SUCH PROPERTY; AND FOR OTHER PURPOSES.**

**Legislation Title: ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC.**

**Requesting Dept: THE DEPARTMENT OF PUBLIC WORKS**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to grant Gardenbrand, LLC an encroachment agreement for Permanent Underground Shoring with Tie-backs into Vivian Lane right-of way.

**2. Please provide background information regarding this legislation.**

GARDENBRAND, LLC will install one hundred ninety two (192) soil nails/tie-back rods into Vivian Lane right-of-way to excavate for proposed mixed-use 6-story office and retail building foundations.

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:** n/a
- (c) **Bids/Proposals Due:** n/a
- (d) **Invitations Issued:** n/a
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**
- (g) **Background:**
- (h) **Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. FISCAL IMPACT**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget –  
see account string in legislation

Or

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Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: GIRMA NEGUSSIE**

**Contact Number:**

# 16-R

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT AGREEMENT WITH GARDENBRAND, LLC., AS OWNER OF REAL PROPERTY LOCATED 2815 PEACHTREE ROAD N.E., ATLANTA, GEORGIA 30305, FOR THE PURPOSE OF INSTALLING A PERMANENT UNDERGROUND SHORING SYSTEM WITH TIE-BACKS IN THE PUBLIC RIGHTS-OF-WAY OF VIVIAN LANE N.E. ABUTTING SUCH PROPERTY; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> 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 \_\_\_\_\_  
 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 \_\_\_\_\_

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

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  J.15.a  
 Readings  
 Consent  V Vote  RC Vote

**CERTIFIED**

**MAYOR'S ACTION**

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") authorized FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I ("Project") with PC/Russell, a Joint Venture (the "CMAR"), on behalf of the Department of Watershed Management, pursuant to Resolution No. 15-R-3681; and

WHEREAS, the Project includes the construction of a tunnel from a City-owned quarry to the Hemphill Water Treatment Plant and the construction of a pump station at the quarry, which will be the site for a new 2.4 billion gallon water storage facility; and

WHEREAS, Georgia Power Company serves the quarry area with electricity and owns distribution facilities and related equipment in connection therewith; and

WHEREAS, the City of Atlanta, Department of Watershed Management requires the installation of a substation and related facilities to supply sufficient power to the Project; and

WHEREAS, the City authorized the CMAR to pay for the substation installation and the one-time operation and maintenance costs as part of the Project's construction costs, pursuant to Resolution No. 15-R-4411; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends executing the service agreement and related agreements with Georgia Power Company for the installation of a substation, the operation and maintenance of the substation and for electric power service to the substation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into agreements with Georgia Power Company for the installation and maintenance of a substation, power lines and related facilities, for the purpose of providing power supply for the City's operation and maintenance of the pump station as part of the Project, on behalf of the Department of Watershed Management, in substantial form as the agreements attached as Exhibit "A", the payment for which has been authorized pursuant to Resolution No. 15-R-4411.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

BE IT FURTHER RESOLVED, that all amounts associated with the construction and related costs contemplated by the subject agreements shall be paid from Fund Department Organization and Account Number 5073 (2015A Water Commercial Paper Program) 171003 (DWM Water Linear Maintenance/Repair) 5999999 (Projects and Grants Budget) 4440000 (Distribution) and Project Task Award Expenditure and Organization Number 17111736 (Raw Water Delivery) 107 (Construction) 507382272 (2015A Water Commercial Paper Program) 5414002 (Facilities Not Buildings - CIP) until

such time as the Project is complete and the City authorizes additional funding of any continuing payments owed under the subject agreements; and

BE IT FINALLY 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 approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk and delivered to Georgia Power Company.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4741

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 12:17 PM
Kishia Powell	Completed	11/17/2016 12:26 PM
Finance	Completed	11/17/2016 12:49 PM
Renee Shepherd	Completed	11/18/2016 12:54 PM
Mayor's Office	Completed	11/18/2016 1:44 PM
Office of Research and Policy Analysis	Completed	11/22/2016 9:30 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi Walker

Contact Number: (404) 546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT - indicate dollar amount: (\$N/A)  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/10/2016 (date) Reviewed by: [Signature] (date)

Submitted to Council: \_\_\_\_\_ (date)

*DCOS*  
*11/10/16*

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Agreements for Installation of Substation and Electric Services at the Quarry

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request authorization for the Mayor to enter into agreements with Georgia Power Company to install New Class "B" Substation 115/4KV with 2-25 MVA NLTC transformers, to operate and maintain the facility and for electric service. The facility will provide electric power to the Pump Station at the Quarry for the Water Supply Project.

**2. Please provide background information regarding this legislation.**

In order to have enough power at the Quarry's Pump Station, the City will need to enter into an agreement with Georgia Power Company to install a substation at the site. In addition, the City will need to contract for O&M services and electric service. The Construction Manager at Risk (CMAR) has been authorized via Resolution No. 15-R-4411 to pay the cost of the substation installation and O&M services directly to Georgia Power Company; therefore, there is no additional financial impact as a result of this legislation.

**3. If Applicable/Known:**

- (a) **Contract Type:** Construction Services
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals Received:**
- (f) **Bidders/Proponents:**

(g) Background:

(h) Term of Contract:

**4. Fund Account Center: N/A**

**5. Source of Funds: N/A**

**6. FISCAL IMPACT**

Cost will be covered by the Department's current year budget

Budget neutral – no monetary impact

Cost not anticipated in the Department's current year budget –  
see account string in legislation

Or

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Note

**7. Method of Cost Recovery: N/A**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Cristi Walker**

**Contact Number: 404-546-3622**

**“EXHIBIT A”**

Account Manager: Kristie Drury  
Account Number: 00000-00000

### CONTRACT FOR ELECTRIC SERVICE

**THIS CONTRACT** for electric service is entered into this \_\_\_\_\_ day of October, 2016, ("Effective Date") between Georgia Power Company ("Company") and City of Atlanta - Department of Watershed Management ("Customer").

**IN CONSIDERATION** of the mutual agreements hereinafter contained, IT IS AGREED:

1. Scope. Company will supply electric service to Customer, and Customer will purchase, receive and pay Company for such service in accordance with this Contract.

2. Rules, Regulations and Rates. Georgia state law and the rules, regulations and applicable rate schedules of Company as may be filed with and regulated by the Georgia Public Service Commission govern this service and are incorporated herein by reference. Such laws, rules, regulations and rate schedules are subject to change during the term of this contract as provided by law. Copies of current rules, regulations and applicable rate schedules are available from Company upon request and may be attached to this Contract.

3. Term. The term of this Contract shall be one(1) year(s) from the commencement of electric service under this Contract. The Contract shall continue in effect thereafter until terminated by either party providing written notice to the other in accordance with the rules, regulations and applicable rate schedules.

4. Service. The characteristics of the service to be furnished under this Contract are as follows:

- a. Premise location: 900 Lois St NW, Atlanta, GA
- b. Frequency: Approximately sixty (60) hertz
- c. Voltage and Phase: 115KV/4KV Substation - Atlanta Water Storage
- d. Delivery Point: N/A
- e. Rate Schedule(s):TOU-GSD  
*(for RTP Attach Terms and Conditions and CBL Agreement)*
- f. Service level: Transmission  Primary  Secondary  TOU-FCR
- g. Rate Rider(s):
- h. Commencement of electric service not later than: 1/1/2018
- i. Contract Capacity: 25 MVA w/ 25 MVA back up
- j. Minimum billing demand:

5. Additional Provisions. Additional terms and conditions relating to the provision of service to the premises identified in paragraph 4 herein may be attached hereto. Such attached terms and conditions shall be controlling over any conflicting terms set forth herein. The following such terms and conditions are attached hereto and incorporated by reference:

- Build-Up Terms and Conditions (In excess of a two month build-up period. The term designated on this contract shall be extended by the build-up period.)
- Interruptible Service Terms and Conditions
- Demand Plus Energy Credit Terms and Conditions
- Meter-Totalization Terms and Conditions
- Multiple Load Management Terms and Conditions
- Modernization Rider Terms and Conditions
- CBL Agreement and Real Time Pricing Terms and Conditions (RTP-DA and RTP-HA)

6. Payment. During the term of this Contract, Customer will pay monthly charges calculated in accordance with the applicable rules, regulations and rate schedules.

7. Equipment. Customer, at its expense, shall maintain and operate its equipment so that it does not cause unacceptable voltage fluctuations, unacceptable harmonic current usage, overload, or other disturbances on Company's electrical and communications systems, or affect the safe, economical and reliable operation of Company's electric system. Customer, at its expense, shall immediately correct any such unacceptable use of electric power, including the provision of suitable apparatus to prevent or cure such effects where necessary. The specifications of unacceptable voltage fluctuations and unacceptable harmonic current usage are outlined in the current copy of the Southern Company Power Quality Policy, which is available upon request.

8. Limitation of Liability. Company does not guarantee that service will be free from, and Company shall not be liable for, interruptions, surges, voltage fluctuations or disturbances. Company shall have no liability for any loss or damage from any loss of service, or delay in providing service.

9. Assignment of Contract. Customer may not assign this Contract without written consent of Company. Such consent shall not be unreasonably withheld.

10. Remedies. In the event of default by either party, the non-defaulting party may pursue any and all judicial and administrative remedies and relief available.

11. Non-waiver. The parties agree that this Contract does not preclude the Company from collecting any additional costs as directed or authorized by a legislative body, administrative body, or court having jurisdiction over such issues.

12. Miscellaneous. A waiver of one or more defaults by either party shall not be deemed a waiver of any other or subsequent default by such party. This Contract, upon becoming effective, shall cancel and supersede any previously existing agreement covering supply by Company to Customer of electric energy to the premise identified in this contract. This document, those documents incorporated by reference and any attachments constitute the entire agreement between the parties. No modification of this Contract, except as provided in paragraph 2 above, shall be binding unless it is in writing and accepted by Customer and Company. This Contract shall be governed by the laws of the State of Georgia.

13. Prior Agreements. This Contract for Electric Service, upon becoming effective, shall cancel and supersede any previously existing Contracts for Electric Service or other agreement covering service to this premise.

**IN WITNESS WHEREOF**, the parties hereto have caused this Contract to be executed by their duly authorized representatives, as of the Effective Date hereof.

**CITY OF ATLANTA - DEPARTMENT OF GEORGIA POWER COMPANY  
WATERSHED MANAGEMENT**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Account Manager: Kristle Drury  
 Account Number: 00000-00000  
 Premise Address: 900 Lois St., NW  
 Atlanta, GA 30313

## EXCESS FACILITIES CHARGE AGREEMENT STANDARD OFFER

This Excess Facilities Charge Standard Agreement ("Agreement") is entered into this \_\_\_\_\_ day of **October, 2016** (the "Effective Date") between **Georgia Power Company** ("Company") and **City of Atlanta, Department of Watershed Management** ("Customer").

The Customer has requested that the Company install the excess facilities described below (the "Excess Facilities") on the Customer's premises described below (the Premises). The Excess Facilities shall augment the Company's standard system on the Premises. Subject to the terms and conditions contained herein, the Company agrees to install its Excess Facilities on the Premises.

### Description of Excess Facilities:

New Class 'B' Substation 115/4KV with 2-25 MVA NLTC transformers. The 115 KV will be looped between neighboring substations.

### Location of Premises:

900 Lois Street NW, Atlanta, GA 30313

1. To compensate the Company for the cost of installing its capital Excess Facilities on the Premises, the Customer shall pay Excess Facilities Installation Charges to the Company in the amount of:

- (i) a one time Excess Facilities Installation Charge of \$ 2,911,511.31
- (ii) monthly installments each in the amount of \$ \_\_\_\_\_, for a fixed period of \_\_\_\_\_ months

All such payments shall include additional amounts as may be necessary to pay any applicable taxes. As security for the monthly installments of the Excess Facilities Charge, the Customer shall deliver to the Company a security deposit of \$ \_\_\_\_\_ (not to exceed the sum of three monthly installments).

2. To compensate the Company for the allocated cost of operating and maintaining its Excess Facilities at the Premises, the Customer shall pay Excess Facilities Ongoing Charges to the Company in the amount of:

- (i) a one time prepaid Excess Facilities Charge of \$ 2,151,965.77
- (ii) monthly installments, each in the amount of \$ 110.00, for an initial period of twelve (12) months

All such payments shall include additional amounts as may be necessary to pay any applicable taxes. If all or any portion of the Excess Facilities Ongoing Charge is to be paid monthly, the Customer's obligations to make such payments shall automatically renew from year to year for successive twelve (12) month periods, until thirty (30) days after written notice from either party hereto of its intent to terminate this Agreement. As security for the monthly installments of the Excess Facilities Ongoing Charge, the Customer shall deliver to the Company a security deposit of \$ \_\_\_\_\_ (not to exceed the sum of three monthly installments).

### 3. Additional Terms and Provisions.

The Customer shall provide access to the Company at reasonable times to allow the Company to perform such work and to remove the Excess Facilities upon termination of this Agreement.

The Customer shall not increase load (e.g., building or equipment additions) without first notifying the Company. If the Customer's planned load increase would require extensions or modifications of the Excess Facilities, the Company



shall prepare a plan and estimate of the costs of such extensions or modifications. Implementation of such extensions or modifications may require modification of this Agreement.

The Customer shall not tamper with, move, or adjust any part of the Excess Facilities or allow anyone else on the Premises, other than authorized Company representatives, to do the same without prior Company approval. The Customer shall be responsible for the acts of those persons on the Premises who are not authorized Company personnel, agents or subcontractors. The Customer shall not place any future buildings or hazardous obstructions within twenty-five (25) feet of the Company's substations or lines without prior written approval of the Company.

The Company shall not be liable for consequential damages resulting from outages of electric current, including but not limited to damages to equipment or loss of product or profits. The Customer accepts the risk that there may be periodic interruptions of electric service, which interruptions shall not constitute a breach of this Agreement by the Company or give rise to any claim or set-off by the Customer against the Company.

The Customer's obligation to pay all of the payments due hereunder is absolute and unconditional, and the Customer shall not be entitled to, and hereby waives the right to claim, any abatement, reduction, set-off, counterclaim, defense, interruption, deferment, recoupment or deduction with respect to any payments due hereunder, unless an unreasonable interruption occurs as a result of the company's negligence or willful misconduct. Receivables covered under this agreement unpaid after 21 days after the bill date are subject to a late payment charge.

The Customer is in default of this agreement if the Premises are or become the subject of a foreclosure proceeding, or if the Customer (a) fails to pay within 30 days from the due date of its monthly bill; (b) fails to perform in accordance with any provision of this Agreement; (c) is or becomes insolvent or unable to pay its obligations as they become due; or (d) is or becomes the subject of a petition in a bankruptcy or a petition for a receivership. Also, upon default, the Company may exercise any one or more of its available remedies at law or equity, including, without limitation, (i) installing meters in multiple locations between Company owned and Customer owned electric equipment; (ii) changing the service rate to one that will compensate the Company for all amounts owing under this Agreement; and (iii) removing the Excess Facilities. Partial exercise or non - exercise of any of the Company's rights or remedies shall not constitute a waiver of any other right or remedy unless such waiver is expressed in writing.

This Agreement is not a sale or transfer of any interest in the Excess Facilities. The Company is and shall remain the sole owner of the Excess Facilities, and shall replace or cause the Excess Facilities to be replaced at no additional cost to the customer if the Excess Facilities are defective or do not perform to the specifications provided. The Customer shall not have any interest or rights in the Excess Facilities.

In the event of early termination of this Agreement, the Customer shall be responsible for removal costs in an amount determined by the Company.

This Agreement will be in force on the Effective Date of this Agreement or at the time the Excess Facilities become functional, whichever occurs first, and shall continue until all amounts owing to the Company hereunder have been paid in full. This Agreement may be modified only in writing signed by the parties hereto, and may not be modified by an oral agreement. The Customer agrees to provide such additional information of documentation as the Company requests in connection with this Agreement including further evidence of its authority to enter into this agreement.

This Agreement shall be binding upon the successors and assigns of the parties hereto. The Customer may not assign its rights and obligations hereunder without the Company's prior written consent which shall not be unreasonably withheld. The Company may assign its rights and obligations hereunder, or any portion thereof, to any other person or entity without the consent of the Customer.

**CUSTOMER: City of Atlanta, Department of Watershed Management**

**GEORGIA POWER COMPANY**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



Title: \_\_\_\_\_

Date: \_\_\_\_\_

**First Reading**

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

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
 Readings  
 Consent  V Vote  RC Vote

**A RESOLUTION BY CITY UTILITIES COMMITTEE**  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN SERVICE AGREEMENT WITH GEORGIA POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF A SUBSTATION, POWER LINES AND RELATED FACILITIES, FOR THE PURPOSE OF PROVIDING POWER SUPPLY FOR THE CITY'S OPERATION AND MAINTENANCE OF THE PUMP STATION AS PART OF THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.**

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

**CERTIFIED**

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

**MAYOR'S ACTION**

- CONSENT REFER**
- REGULAR REPORT REFER**
- ADVERTISE & REFER**
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER**
- PERSONAL PAPER REFER**

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCATION, MODIFICATION OR INSTALLATION OF TRANSMISSION FACILITIES FOR THE CONSTRUCTION OF THE UPPER PROCTOR CREEK CAPACITY RELIEF PROJECT AT THE RODNEY COOK SR. PARK IN VINE CITY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) is responsible for maintaining and servicing the City’s current sewer system; and

WHEREAS, the Department of Watershed Management (the “Department”) has identified the need to increase the sewer capacity within the North Avenue Combined Sewer Basin to reduce the risk of sewer overflows and provide needed additional sewer capacity within the city’s combined sewer system; and

WHEREAS, the City has further identified a project, known as the Upper Proctor Creek Capacity Relief Project at the Rodney Cook Sr. Park (“Project”), located within the Vine City neighborhood between Joseph E. Boone Boulevard, Walnut Street, Thurmond Street and Elm Street, which will provide needed additional sewer capacity within the North Avenue Combined Sewer Basin; and

WHEREAS, the Project will require the relocation, modification or installation of transmission facilities; and

WHEREAS, Georgia Power Company owns the transmission facilities that are used in transmission of electric power to the Project; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends entering into a Transmission Relocation Agreement with Georgia Power Company for the relocation, modification or installation of transmission facilities at the Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$XXXX.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into a Transmission Relocation Agreement with Georgia Power Company for the relocation, modification or installation of transmission facilities at the Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$XXXX.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

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 approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk and delivered to Georgia Power Company.

BE IT FINALLY RESOLVED, that all contracted work shall be charged to and paid from Fund Department Organization and Account Numbers 5052 (Water & Wastewater Renewal and Extension Fund) 171002 (DWM Sewer Linear Maintenance & Repair) 5414002 (Facilities Other than Buildings) 4330000 (Sewage Collection & Disposal) and Project Task Award Expenditure and Organization Number 17112164 (Upper Proctor Creek) 101 (CIP #8 & 9) 505221391 (Water & Wastewater Renewal & Extension Fund) 5414002 (Facilities Other Than Buildings) COA.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4742

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCATION, MODIFICATION OR INSTALLATION OF TRANSMISSION FACILITIES FOR THE CONSTRUCTION OF THE UPPER PROCTOR CREEK CAPACITY RELIEF PROJECT AT THE RODNEY COOK SR. PARK IN VINE CITY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Skipped	11/17/2016 10:41 AM
Kishia Powell	Completed	11/17/2016 11:12 AM
Patrick McShane	Completed	11/17/2016 11:32 AM
Finance	Completed	11/17/2016 11:44 AM
Information Technology	Skipped	11/17/2016 10:41 AM
Procurement	Skipped	11/17/2016 10:41 AM
Adam Smith	Skipped	11/17/2016 10:41 AM
Mayor's Office	Completed	11/17/2016 12:45 PM
Office of Research and Policy Analysis	Completed	11/22/2016 9:34 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Chief Financial Officer: \_\_\_\_\_

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

*As told  
Pending Financial  
Impact  
HC*

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION FACILITY RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY TO PROVIDE RELOCATION SERVICES FOR POWER POLES WITHIN THE SITE OF UPPER PROCTOR CREEK CAPACITY RELIEF FACILITY AT THE RODNEY COOK SR. PARK AT HISTORIC VINE CITY, FACILITATING THE CONSTRUCTION OF THE NORTH AVENUE COMBINED SEWER BASIN CAPACITY RELIEF PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED \$XXXX; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT - indicate dollar amount: \$ TBD**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/2016 gcu  
(date)

Reviewed by: [Signature]  
(date)

Submitted to Council: \_\_\_\_\_  
(date)

*11/16/16*

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCATION, MODIFICATION OR INSTALLATION OF TRANSMISSION FACILITIES FOR THE CONSTRUCTION OF THE UPPER PROCTOR CREEK CAPACITY RELIEF PROJECT AT THE RODNEY COOK SR. PARK IN VINE CITY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Authorization to Enter Transmission Relocation Agreement at Rodney Cook Sr Park

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request the Mayor to enter into a Transmission Facility Relocation Agreement with Georgia Power to relocate, modify or install transmission facilities within the site of the Upper Proctor Creek Capacity Relief Project at the Rodney Cook Sr. Park in Vine City. The project cost is estimated to be an amount not to exceed XXX.

**2. Please provide background information regarding this legislation.**

The Project is located within the North Avenue Combined Sewer Basin. The City has identified the Upper Proctor Creek Capacity Relief Project at Rodney Cook Sr Park as an opportunity to provide additional sewer capacity relief within the Basin. Relocating, modifying and installation transmission facilities will would allow the City to move forward with the construction of the Project.

**3. If Applicable/Known:**

- (a) **Contract Type:** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids/Proposals Received:** N/A
- (f) **Bidders/Proponents:** N/A

(g) Background: N/A

(h) Term of Contract: N/A

**4. Fund Account Center:**

**FDOA:** 5052 (Water & Wastewater RNE Fund), 171002 (DWM Sewer Linear Maintenance & Repair), 5414002 (Facilities Other than Buildings), 4330000 (Sewage Collection & Disposal), 112164 (Upper Proctor Creek), 21391 (Water & Wastewater RNE Fund)

**PATEO:** 17112164 (Upper Proctor Creek), 101 (CIP #8 & 9), 505221391 (Water & Wastewater RNE Fund), 5414002 (Facilities Other Than Buildings), COA

**5. Source of Funds:** Capital Project

**6. FISCAL IMPACT**

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget – see account string in legislation

Or

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Note

**7. Method of Cost Recovery:** N/A

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:** Lacey Reddix

**Contact Number:** 404-423-7178

(Do Not Write Above This Line)

RESOLUTION BY  
CITY UTILITIES COMMITTEE

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TRANSMISSION RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCATION, MODIFICATION OR INSTALLATION OF TRANSMISSION FACILITIES FOR THE CONSTRUCTION OF THE UPPER PROCTOR BREEK CAPACITY RELIEF PROJECT AT THE RODNEY COOK SR. PARK IN VINE CITY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

CONSENT REFER  
REGULAR REPORT REFER  
ADVERTISE & REFER  
1<sup>st</sup> ADOPT 2<sup>ND</sup> READ & REFER  
PERSONAL PAPER REFER

ate Referred  
ate Referred  
ate Referred  
ate Referred  
ate Referred

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred 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  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED

MAYOR'S ACTION

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 \_\_\_\_\_

**A RESOLUTION BY CITY UTILITIES COMMITTEE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) advertised for FC-8919, Security Guard Services, on behalf of the Department of Watershed Management and the Department of Public Works; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Department of Public Works identified the need for security guard services at Department of Watershed Management and Department of Public Works sites; and

WHEREAS, the Commissioner of the Department of Watershed Management, the Commissioner of the Department of Public Works, and the Chief Procurement Officer recommend FC-8919, Security Guard Services be awarded to Thorpe Building Services and All N One Security Services, Inc. as Joint Venture Partners in amount not to exceed Sixteen Million, Eight Hundred One Thousand, One Hundred Sixty-Eight Dollars and Eighty Cents (\$16,801,168.80).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into an agreement with Thorpe Building Services and All N One Services, Inc. as Joint Venture Partners, on behalf of the Department of Watershed Management and the Department of Public Works, for FC-8919, Security Guard Services in an amount to exceed Sixteen Million, Eight Hundred One Thousand, One Hundred Sixty Eight Dollars and Eighty Cents (\$16,801,168.80).

BE IT FURTHER RESOLVED, the term of the agreement will be for three (3) years with two (2) one (1) year renewal options to be exercised at the City’s sole discretion.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

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 approved as to form by the City Attorney,

executed by the Mayor, attested to by the Municipal Clerk and delivered to Thorpe Building Services, Inc. and All N One Security Services, Inc. as Joint Venture Partners.

BE IT FURTHER RESOLVED, that funding shall be contingent on the City's adoption and approval of the FY2018 Budget and the appropriation of sufficient funds to the associated funding sources.

BE IT FURTHER RESOLVED, that funding shall be contingent on the City's adoption and approval of the FY2019 Budget and the appropriation of sufficient funds to the associated funding sources.

BE IT FURTHER RESOLVED, that funding shall be contingent on the City's adoption and approval of the FY2020 Budget and the appropriation of sufficient funds to the associated funding sources.

BE IT FINALLY RESOLVED, that all work shall be charged to and paid from the Fund Department Organization and Account Numbers in the following amounts: Department of Watershed Management: FY17: \$1,502,869.68 - 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY18 - \$3,005,739.36 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY19 - \$3,005,739.36 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY2020 - \$1,502,869.68 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management); Department of Public Works FY17: \$261,206.40 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$210,830.88 - 1001 (General Fund) 130306 (DPW Roadways & Walkways - North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways), \$639,955.68 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY18: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways & Walkways - North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY19: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways & Walkways - North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY20: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways & Walkways - North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration).

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4743

**A RESOLUTION BY CITY UTILITIES COMMITTEE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 11:07 AM
Kishia Powell	Completed	11/17/2016 11:31 AM
Finance	Completed	11/17/2016 11:43 AM
Patrick McShane	Completed	11/17/2016 11:52 AM
Procurement	Completed	11/17/2016 12:34 PM
Adam Smith	Completed	11/17/2016 1:07 PM
Mayor's Office	Completed	11/17/2016 1:16 PM
Office of Research and Policy Analysis	Completed	11/22/2016 9:42 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi Walker

Contact Number: (404) 546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Chief Financial Officer: \_\_\_\_\_

Chief Information Officer Signature (for IT requirements): N/A

Chief Procurement Officer Signature: Adrian Smith 11/16/16

**CAPTION**

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ARLIN ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SEVENTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT - indicate dollar amount: (\$16,801,240.00)  
(see Part 2-B-#6 when applicable)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/10/2016 [Signature]  
(date)

Reviewed by: [Signature]  
(date)

Submitted to Council: \_\_\_\_\_ (date)

11/16/16  
[Signature]

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:**

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** FC-8919, Security Guard Services

**Requesting Dept.:** Watershed Department and Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request authorization to enter into a Contractual agreement with Thorpe Building Services, Inc. and All N One Security Services, Inc. as Joint Venture Partner for FC-8919, Security Guard Services, for a three year base with two one-year renewal options.

**2. Please provide background information regarding this legislation.**

To provide Security Guard services for the Department of Public Works and Department of Watershed Management Bureaus of Drinking Water and Wastewater Treatment and Collections facilities. The City of Atlanta's properties are located in urban, industrial areas and distributed throughout the City of Atlanta domestic neighborhoods.

**3. If Applicable/Known:**

- (a) **Contract Type: (e.g. Professional Services, Construction Agreement, etc): Professional Services**
- (b) **Source Selection: RFP**
- (c) **Bids/Proposals Due: July 18, 2016**
- (d) **Invitations Issued: N/A**
- (e) **Number of Bids/Proposals Received: 4**

- (f) Bidders/Proponents: Thorpe Building Services, Inc.
- (g) Background: N/A
- (h) Term of Contract: Three (3) Base Years with Two (2) one (1) Year Extensions

#### 4. Fund Account Center:

##### DEPARTMENT OF WATERSHED MANAGEMENT:

###### FY2017 -\$1,502,869.68

FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).

Requisition 21707682

###### FY2018 -\$3,005,739.36

FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).

###### FY2019 -\$3,005,739.36

FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).

###### FY2020 -\$1,502,869.68

FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).

##### DEPARTMENT OF PUBLIC WORKS:

###### FY2017 - \$261,206.40

FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)

###### FY2017 - \$210,830.88

FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)

###### FY2017 - \$639,955.68

FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration)  
5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)

**FY2018 - \$522,412.80**

**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

**FY2018 - \$421,661.76**

**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

**FY2018 - \$1,279,911.36**

**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)**

**FY2019 - \$522,412.80**

**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

**FY2019 - \$421,661.76**

**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

**FY2019 - \$1,279,911.36**

**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)**

**FY2020 - \$522,412.80**

**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

**FY2020 - \$421,661.76**

**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

**FY2020 - \$1,279,911.36**

**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)**

**5. Source of Funds:****FY2017 -\$1,502,869.68**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**

**Requisition 21707682**

**FY2018 -\$3,005,739.36**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**

**FY2019 -\$3,005,739.36**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**

**FY2020 -\$1,502,869.68**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security)  
5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**

**DEPARTMENT OF PUBLIC WORKS:**

**FY2017 - \$261,206.40**

**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

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**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

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**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste  
Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste  
Administration)**

**FY2018 - \$522,412.80**

**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

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**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

**FY2018 - \$1,279,911.36**

**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste  
Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste  
Administration)**

**FY2019 - \$522,412.80**

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5212001(Consulting/Professional Services) 1590000 (Customer Service)**

**FY2019 - \$421,661.76**

**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

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**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)**

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**FDOA: 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration)  
5212001(Consulting/Professional Services) 1590000 (Customer Service)**

**FY2020 - \$421,661.76**

**FDOA: 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave)  
5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways)**

**FY2020 - \$1,279,911.36**

**FDOA: 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration)**

**6. FISCAL IMPACT; \$16,801,168.80**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget –  
see account string in legislation

Or

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Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:** Anthony D. Stanley

**Contact Number:** 404-546-3645



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, N.W.  
ATLANTA, GEORGIA 30303

Kishia L. Powell  
COMMISSIONER

MEMORANDUM

**To:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**From:** Kishia L. Powell, Commissioner *hp 10/10/16*  
Department of Watershed Management

**Cc:** Michael Hill, Director of Safety, Security and Emergency Management, DWM  
Rita Braswell, Program Manager, DPW  
Karen Deleon, Project Manager  
Michael Dobson, Security Manager  
Keith Brooks, Deputy Chief Procurement Officer  
Jill Watkins, Contract Administrator  
Cynthia L. Lunn, Watershed Manager  
Anthony Stanley, Procurement Officer

**Date:** October 10, 2016

**Re:** **AWARD RECOMMENDATION**  
**FC-8919, Security Guard Services**

The Department of Watershed Management received one (1) proposal on July 18, 2016, for the above referenced project from:

**Thorpe Building Services, Inc. and All N One Security Services, Inc. as Joint Venture Partners**

After careful review of the proposals submitted, it is the recommendation of the Department of Watershed Management that a contract for the above referenced services be awarded to the most responsive and responsible proponent, Thorpe Building Services, Inc. & All N One Security Services as Joint Venture Partners, in an amount not to exceed \$9,017,218.08.

All funds shall be charged to and paid as follows:

**FY2017 -\$1,502,869.68**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**

**Requisition 21707682 is included in this package**

**FY2018 -\$3,005,739.36**

**FDOA: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management).**



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, N.W.  
ATLANTA, GEORGIA 30303

Kishia L. Powell  
COMMISSIONER

## MEMORANDUM

To: Cynthia Lunn, Watershed Manager, Office of Customer Business Services  
Department of Watershed Management, Procurement Division

From: Michael Hill, Director of Safety, Security and Emergency Management *mm*  
Department of Watershed Management

Date: October 4, 2016

Re: FC-8919- Security Guard Services

---

Attached is a copy of the evaluation form for the Proponents for the subject RFP which has been signed by the members of the Evaluation Committee: Michael Hill, Earl Burns, Karen De Leon, Michael Dobson, Rita Braswell. We have also included certified Proponent tabulation and Proponent qualification forms.

The following Proponent was evaluated by the committee:

Thorpe Building Services, Inc. and All N One Security Services as Joint Venture Partners

The Proponent meeting all of the City's required criteria was Thorpe Building Services, Inc. and All N One Security Services as Joint Venture Partners.

We take no exception to having the contract be awarded to Thorpe Building Services, Inc. and All N One Security Services as Joint Venture Partners in the amount of \$9,017,218.08

Thank you for your attention to this matter. If you have any questions or need additional information, please let me know.

Cc. Kishia Powell, Commissioner  
Anthony Stanley, Contracting Officer

**DEPARTMENT OF PROCUREMENT  
LEGISLATIVE SUMMARY**

**FC-8919, Annual Contract for Security Guard Services**

**TO:** City Utilities Committee

**CAPTION**

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

<b>Committee Meeting Date:</b>	November 29, 2016
<b>Council Meeting Date:</b>	December 5, 2016
<b>Legislation Title:</b>	FC-8919, Annual Contract for Security Guard Services
<b>Requesting Dept.:</b>	Department of Watershed Management and Department of Public Works
<b>Contract Type:</b>	RFP, Services
<b>Advertisement:</b>	June 17, 2016
<b>Bids/Proposals Due:</b>	July 15, 2016
<b>Invitations Mailed:</b>	154
<b>Bids/Proposals Received:</b>	Four (4)
<b>Bidders/Proponents:</b>	Universal Protection Service, LLC/Corps Security Services, Inc. Thorpe Building Services/All N 1 Security Services Inc. Norred & Associates, Inc. Priority One Security; and SecurAmerica, LLC/Corps Security Services, Inc.
<b>Contractor:</b>	Thorpe Building Services/All N 1 Security Services Inc. Joint Venture
<b>Estimated Value:</b>	\$16,801,168.80

<b>Scope Summary:</b>	The purpose of this legislation is to request authorization to enter into a Contractual agreement with Thorpe Building Services, Inc./Alt N 1 Security Services, Inc., a Joint Venture for FC- 8919, Annual Contract for Security Guard Services.
<b>Background:</b>	TBD
<b>Evaluation Team:</b>	DWM/DPW, Risk and OCC.
<b>Term of Contract:</b>	Three (3) years with two (2) one (1) year renewal options.
<b>Fund Account Centers:</b>	<p><b>Department of Watershed Management:</b> FY17: \$1,502,869.68 - 5051 (Water &amp;Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY18 - \$3,005,739.36 5051 (Water &amp;Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY19 - \$3,005,739.36 5051 (Water &amp;Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management), FY2020 - \$1,502,869.68 5051 (Water &amp;Wastewater Revenue Fund) 170901 (DWM Watershed Security) 5212001 (Consulting /Professional Services) 3920000 (Emergency Management); <b>Department of Public Works</b> FY17: \$261,206.40 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$210,830.88 - 1001 (General Fund) 130306 (DPW Roadways &amp; Walkways – North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways &amp; Walkways), \$639,955.68 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY18: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways &amp; Walkways – North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways &amp; Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY19: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways &amp; Walkways – North Ave) 5212001(Consulting/Professional Services) 4220000</p>

(Roadways & Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration), FY20: \$522,412.80 - 6001 (Fleet Services Fund) 130401 (DPW Fleet Services Administration) 5212001(Consulting/Professional Services) 1590000 (Customer Service), \$421,661.76 - 1001 (General Fund) 130306 (DPW Roadways & Walkways – North Ave) 5212001(Consulting/Professional Services) 4220000 (Roadways & Walkways), \$1,279,911.36 - 5401 (Solid Waste Services Revenue Fund) 130501 (DPW Solid Waste Administration) 5212001(Consulting/Professional Services) 4510000 (Solid Waste Administration).

**Prepared By:**

Karl Walbrook- Contracting Officer

**Contact Number:**

404-330-6517

J.18.a

Packet Pg. 268



# GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF  
STATE  
**BRIAN P. KEMP**

[HOME \(/\)](#)

## BUSINESS SEARCH

### BUSINESS INFORMATION

Business Name: **THORPE BUILDING SERVICES, INC.** Control Number: **J512034**

Business Type: **Domestic Profit Corporation** Business Status: **Active/Compliance**

Business Purpose:

Principal Office Address: **280 INTERSTATE NORTH CIRCLE SE, SUITE 520, ATLANTA, GA, 30339, USA** Date of Formation / Registration Date: **1/16/1984**

State of Formation: **Georgia** Last Annual Registration Year: **2016**

### REGISTERED AGENT INFORMATION

Registered Agent Name: **WILLIAM B. THORPE**

Physical Address: **280 Interstate North Circle SE, Suite 520, Fulton, Atlanta, GA, 30339, USA**

### OFFICER INFORMATION

Name	Title	Business Address
Bretina Neely, E.	CFO	280 Interstate North Circle, Suite 520, Atlanta, GA, 30339, USA
CATHERINE WILLIAMSON, T	Secretary	900 Circle 75 Parkway Suite 525, ATLANTA, GA, 30339, USA
WILLIAM THORPE, B.	CEO	2971 PACES LAKE DRIVE, ATLANTA, GA, 30339, USA

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Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334-1530, Phone:(404) 656-2817 WEBSITE: <http://www.sos.ga.gov/>

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GEORGIA  
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DIVISION

GEORGIA SECRETARY OF  
STATE  
BRIAN P. KEMP

[HOME \(/\)](#)

## BUSINESS SEARCH

### BUSINESS INFORMATION

Business Name: **ALL-N-1 SECURITY SERVICES, INC.** Control Number: **0105202**

Business Type: **Domestic Profit Corporation** Business Status: **Active/Compliance**

Business Purpose:

Principal Office Address: **3915 CASCADE RD  
SW STE 340, Suite  
340, ATLANTA, GA,  
30331-8520** Date of Formation /  
Registration Date: **1/30/2001**

State of Formation: **Georgia** Last Annual  
Registration Year: **2016**

### REGISTERED AGENT INFORMATION

Registered Agent Name: **MARY H. PARKER**

Physical Address: **3915 Cascade Road SW, Suite 340, Fulton, ATLANTA, GA, 30331, USA**

### OFFICER INFORMATION

Name	Title	Business Address
CHANA ROGERS	Secretary	3915 Cascade Road Suite 340, Atlanta, GA, 30331, USA
MARY PARKER, H.	CEO	3915 Cascade Road Suite 340, Atlanta, GA, 30331, USA
RICKY ROBINSON	CFO	3915 Cascade Road Suite 340, Atlanta, GA, 30331, USA

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[Requisition Information](#) [Approvers](#) [Review & Submit](#)

### Checkout: Review and Submit Requisition

[Save](#) [Printable Page](#) [Back](#) Step 3 of 3 [Submit](#)

#### Requisition 21707682: Total 1,502,869.68 USD

Created By **Stanley, Anthony**  
Creation Date **10-Oct-2016 09:18:24**  
Description **FC-8919, Security Guard Services**

Justification

#### Requisition Attachments

File Name	Type	Description	Category	Last Updated By	Last Updated	Usage	Update	Delete	Publish to Catalog
<a href="#">FC-8919.Security Guard Services.pdf</a>	File	FC-8919,Security Guard Services	Internal to Requisition	1866	10-Oct-2016	One-Time			

#### Lines

Details	Line Description	Cost Center	Unit	Quantity	Price	Amount (USD)	Attachments
<a href="#">Show</a> 1	FC-8919, Security Guard Services	170901	LOT	1502869.68	USD 1	1,502,869.68	
<b>Total</b>						<b>1,502,869.68</b>	

[Save](#) [Printable Page](#) [Back](#) Step 3 of 3 [Submit](#)

FINAL COUNCIL ACTION

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings

Consent  V Vote  RC Vote

First Reading

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

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THORPE BUILDING SERVICES, INC. AND ALL N ONE SECURITY SERVICES, INC. AS JOINT VENTURE PARTNERS FOR FC-8919, ANNUAL CONTRACT FOR SECURITY GUARD SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION, EIGHT HUNDRED ONE THOUSAND, ONE HUNDRED SIXTY-EIGHT DOLLARS AND EIGHTY CENTS (\$16,801,168.80); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS LISTED; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred 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

Refer To

MAYOR'S ACTION

CERTIFIED

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA GAS LIGHT COMPANY FOR THE EXTENSION OF A GAS MAIN AND RELATED FACILITIES FOR GAS SERVICE TO THE QUARRY FOR THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) authorized FC-7888, Construction Manager at Risk Services for the Water Supply Program - Phase I (“Project”) with PC/Russell, a Joint Venture (the “CMAR”), on behalf of the Department of Watershed Management, pursuant to Resolution No. 15-R-3681; and

WHEREAS, the Project includes the construction of a tunnel from a City-owned quarry to the Hemphill Water Treatment Plant and the construction of a pump station at the quarry, which will be the site for a new 2.4 billion gallon water storage facility; and

WHEREAS, Atlanta Gas Light Company serves the quarry area with gas distribution facilities and related equipment in connection therewith; and

WHEREAS, the City of Atlanta, Department of Watershed Management requires the extension of the existing gas main to supply gas service to the Project; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends executing an agreement with Atlanta Gas Light Company for the extension of the existing gas main to supply gas service to the Project, on behalf of the Department of Watershed Management, in an amount not to exceed XXXX.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into an agreement with Atlanta Gas Light Company for the extension of the existing gas main to supply gas service to the Project, on behalf of the Department of Watershed Management, in an amount not to exceed XXXX.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney, is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

BE IT FINALLY 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 approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk and delivered to Atlanta Gas Light Company.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4744

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA GAS LIGHT COMPANY FOR THE EXTENSION OF A GAS MAIN AND RELATED FACILITIES FOR GAS SERVICE TO THE QUARRY FOR THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 12:22 PM
Kishia Powell	Completed	11/17/2016 12:29 PM
Finance	Completed	11/17/2016 12:48 PM
Renee Shepherd	Completed	11/18/2016 1:01 PM
Patrick McShane	Skipped	11/17/2016 10:25 AM
Mayor's Office	Completed	11/18/2016 1:43 PM
Office of Research and Policy Analysis	Completed	11/22/2016 10:25 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi Walker

Contact Number: (404) 546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA GAS LIGHT COMPANY FOR THE EXTENSION OF A GAS MAIN AND RELATED FACILITIES FOR GAS SERVICE TO THE QUARRY FOR THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT - indicate dollar amount: (\$TBD)  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/10/2016 [Signature] Reviewed by: [Signature] 11/10/16  
(date) (date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATLANTA GAS LIGHT COMPANY FOR THE EXTENSION OF A GAS MAIN AND RELATED FACILITIES FOR GAS SERVICE TO THE QUARRY FOR THE WATER SUPPLY PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED XXXX; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Agreement with Atlanta Gas Light Company for Gas Main at the Quarry

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request authorization for the Mayor to enter into an agreement with Atlanta Gas Light Company to extend a gas main and related facilities along Lois Street at Johnson Rd. The main extension will provide gas service to the Pump Station at the Quarry for the Water Supply Project. The project cost is estimated in an amount not to exceed XXX.

**2. Please provide background information regarding this legislation.**

In order to have gas service at the Quarry's Pump Station, the City will need to enter into an agreement with Atlanta Gas Light Company to extend a gas main.

**3. If Applicable/Known:**

- (a) **Contract Type:** Construction Services
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids/Proposals Received:** N/A
- (f) **Bidders/Proponents:** N/A
- (g) **Background:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Account Center:**

**FDOA: 5073 (DWM Commercial Papers) 171003 (DWM Water Linear Main/Repair) 5414002 (Facilities other than Buildings) 4440000 (Distribution)**

**PATEO: 17111736 (Water Supply) 107 (CIP # 1a & 1e) 507382272 (DWM Commercial Papers) 5414002 (Facilities other than Buildings) COA**

**5. Source of Funds: Commercial Paper**

**6. FISCAL IMPACT**

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget – see account string in legislation

Or

---



---

Note

**7. Method of Cost Recovery: N/A**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:** Demetris Johnson

**Contact Number:** 404-546-1249



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 MARIETTA STREET NW  
ATLANTA, GEORGIA 30303

Kishia L. Powell  
COMMISSIONER

**MEMORANDUM**

**TO:** Mohamed M. Balla, Deputy Commissioner, Office of Financial Administration, Department of Watershed Management

**FROM:** Robert A. Bocarro, P.E., Interim Deputy Commissioner, Office of Engineering Services, Department of Watershed Management 

**DATE:** November 2, 2016

**Re:** FC-7888 – The Water Supply Program. Atlanta Gas Light Company Supply Line Extension and Service to WSP Quarry Pump Station.

The purpose of this request is to enter into an agreement with Atlanta Gas Light Company to extend gas supply line and provide service to WSP Quarry Pump Station for the City of Atlanta Department of Watershed Management.

The following accounts will fund this project:

**FDOA:** 5073 (DWM Commercial Papers), 171003 (DWM Water Linear Main/Repair), 5414002 (Facilities other than Buildings), 4440000 (Distribution), 111736 (Water Supply), 82272 (DWM Commercial Papers)

**PATEO:** 17111736 (Water Supply), 107 (CIP # 1a & 1e), 507382272 (DWM Commercial Papers), 5414002 (Facilities other than Buildings), COA

If you have any questions or need any additional information, please feel free to contact Ade Abon, Project Director at 404-925-0323 or [aabon@atlantaga.gov](mailto:aabon@atlantaga.gov).

Thank you for your assistance with this matter.

CC. Ade Abon, DWM   
Demetris Johnson, DWM  
Cynthia Lunn, DWM



For Official Use Only

# NOTICE OF INTENT

## VERSION 2008

State of Georgia  
Department of Natural Resources  
Environmental Protection Division

For Coverage Under the 2008 Re-issuance of the  
NPDES General Permits No. GAR100003 To Discharge Storm Water  
Associated With Construction Activity for Common Developments

### BLANKET SECONDARY PERMITTEE

#### NOTICE OF INTENT (Check only one) :

- Annual Notification (Submitted on or before January 15 of the year in which coverage is desired)
- Re-issuance Notification (Submitted within 60 days of effective date of General NPDES Permit No. GAR 100003)
- Change of Information

#### I. BLANKET SECONDARY PERMITTEE INFORMATION

Blanket Secondary Permittee's Name: Atlanta Gas Light Company Phone: 800-599-3770  
 Address: 10 Peachtree Place City: Atlanta State: GA Zip Code: 30309

Utility Sub-Contractor's Name (Optional): NA Phone: NA  
 Address: NA City: NA State: NA Zip Code: NA

Facility Construction Site Contact: Brian leavell Phone: 800-599-3770

#### II. CONSTRUCTION SITE ACTIVITY INFORMATION

Construction Activity Type:       Commercial       Industrial       Municipal       Residential

#### III. CERTIFICATIONS (Blanket Secondary Permittee)

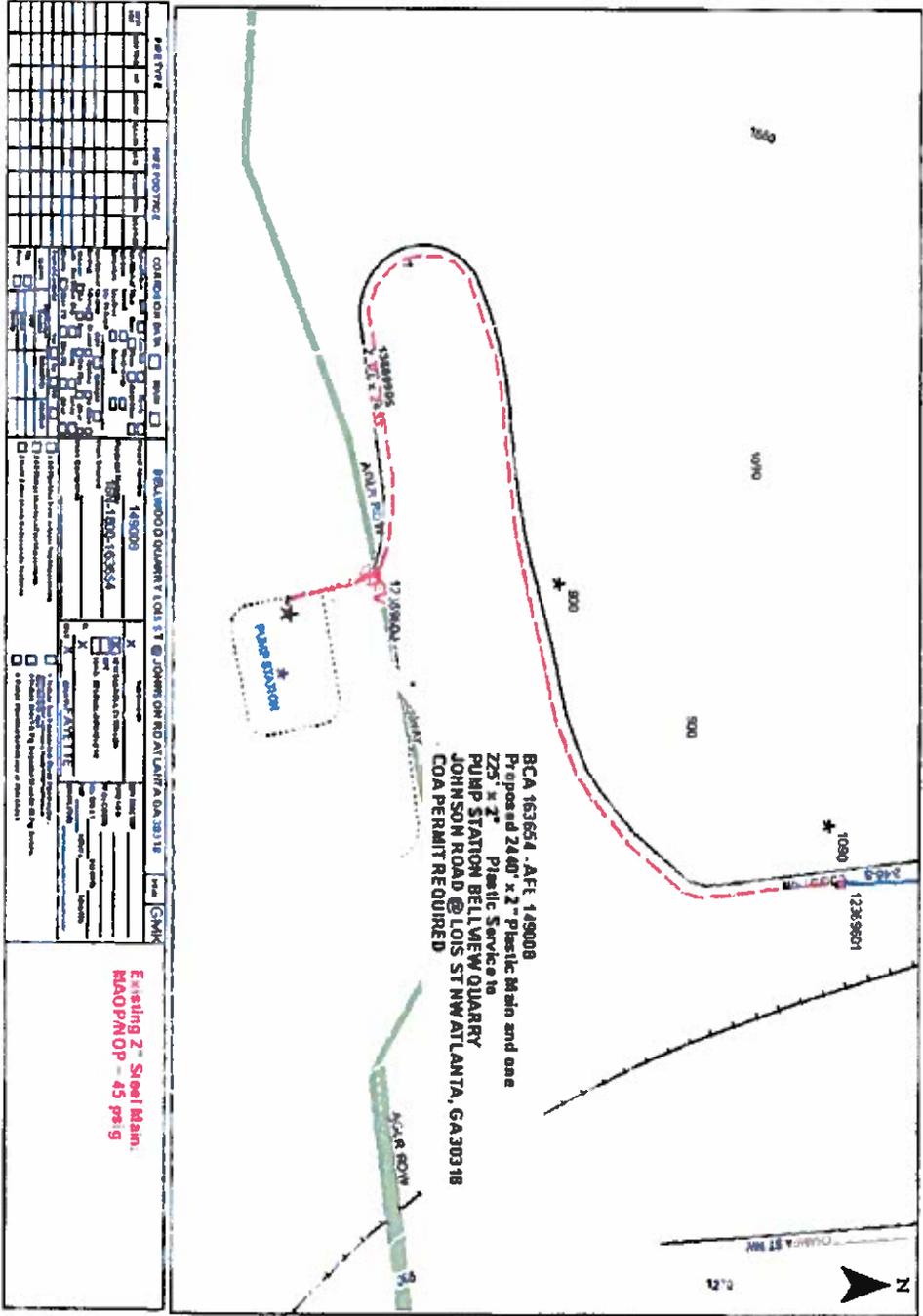
HBB I certify that I will adhere to the Primary Permittees's Erosion, Sedimentation and Pollutant Control Plan (Plan) or the portion of the Plan applicable to my construction activities.

HBB I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that certified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Blanket Secondary Permittee's Printed Name: H BRYAN BATSON Title: President

Signature:

Date: 02-01-2013



BCA 163654, AFI 149008  
 Proposed 24" x 2" Plastic Main and one  
 225' x 2" Plastic Service to  
 PUMP STATION BELLEW QUARRY  
 JOHNSON ROAD @ LOIS ST NW ATLANTA, GA 30318  
 COA PERMIT REQUIRED

Existing 2" Steel Main,  
 HAOP/MOP = 45 psi @ 9'

NO.	DESCRIPTION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	11/15/16	JK	JK
2	REVISED	11/15/16	JK	JK
3	REVISED	11/15/16	JK	JK
4	REVISED	11/15/16	JK	JK
5	REVISED	11/15/16	JK	JK
6	REVISED	11/15/16	JK	JK
7	REVISED	11/15/16	JK	JK
8	REVISED	11/15/16	JK	JK
9	REVISED	11/15/16	JK	JK
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**First Reading**

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

**A RESOLUTION BY  
 CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE  
 MAYOR TO ENTER INTO AN  
 AGREEMENT WITH ATLANTA GAS  
 LIGHT COMPANY FOR THE  
 EXTENSION OF A GAS MAIN AND  
 RELATED FACILITIES FOR GAS  
 SERVICE TO THE QUARRY FOR THE  
 WATER SUPPLY PROJECT, ON BEHALF  
 OF THE DEPARTMENT OF  
 WATERSHED MANAGEMENT, IN AN  
 AMOUNT NOT TO EXCEED XXXX; ALL  
 CONTRACTED WORK SHALL BE  
 CHARGED TO AND PAID FROM FUND  
 DEPARTMENT ORGANIZATION AND  
 ACCOUNT NUMBER LISTED; AND FOR  
 OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred 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**

**MAYOR'S ACTION**

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

WHEREAS, the State of Georgia, Department of Transportation (“GDOT”) is undertaking GDOT Project No. 0010395 to install new sidewalks, ADA compliant handicap ramps, and to mill and resurface the following streets in the vicinity of the Atlanta Charter Middle and Neighborhood Charter Schools: Ormewood Ave. between Woodland Ave. and Boulevard Ave.; Boulevard Ave. between Ormewood Ave. and Confederate Ave.; Confederate Ave. between Boulevard Ave. and Ormewood Ave.; and Ormewood Ave. between Woodland Ave. and Moreland Ave. (“Project”); and

WHEREAS, the City of Atlanta (“City”), Department of Watershed Management (“Department”) has various water related facilities, which include valve boxes, manholes, meter boxes, and other water related facilities (“Facilities”) located within the Project limits; and

WHEREAS, the Facilities present a conflict with the construction of the GDOT project and must be relocated and/or adjusted to accommodate the Project; and

WHEREAS, by including the relocation and/or adjustment of the Facilities into the Project, the City gains the benefit of eliminating or reducing costs associated with asphalt and sidewalk restoration, erosion and sedimentation control, mobilization and traffic control; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends entering into a Memorandum of Understanding and a Contract Item Agreement with GDOT to relocate and/or adjust valve boxes, manholes, meter boxes and related facilities, in amount not to exceed One Hundred Eighty-Five Thousand, Seven Hundred Fifty-Five Dollars and Zero Cents (\$185,755.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into a Memorandum of Understanding and a Contract Item Agreement with GDOT for Project No. 0010395, Pedestrian and Bicycle Improvements in the Vicinity of Atlanta Charter Middle and Neighborhood Charter Schools to adjust valve boxes, manholes, meter boxes and related facilities, in an amount not to exceed One Hundred Eighty-Five Thousand, Seven Hundred Fifty-Five Dollars and Zero Cents (\$185,755.00).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee.

BE IT FURTHER RESOLVED, that the Memorandum of Understanding and Contract Item Agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been duly executed by the City and delivered to the State of Georgia, Department of Transportation.

BE IT FINALLY RESOLVED, that all contracted work shall be charged to and paid from the Fund Department Organization and Account Number 5052 (Water & Wastewater RNE Fund) 171005 (DWM Infrastructure Appurtenance) 5414002 (Facilities Other Than Buildings) 4410000 (Water Administration) COA.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4745

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 12:07 PM
Kishia Powell	Completed	11/17/2016 12:22 PM
Finance	Completed	11/17/2016 12:47 PM
Patrick McShane	Completed	11/17/2016 1:40 PM
Mayor's Office	Completed	11/17/2016 2:39 PM
Office of Research and Policy Analysis	Completed	11/22/2016 10:54 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi Walker

Contact Number: (404) 546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature]

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT - indicate dollar amount: (\$185,755.00)**  
(see Part 2-B-#6 when applicable)

**Mayor's Staff Only**

Received by CPO: \_\_\_\_\_ (date)      Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/10/2016 [Signature] (date)      Reviewed by: [Signature] (date)

Submitted to Council: \_\_\_\_\_ (date)

DCUS  
11/10/16

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 5, 2016

**Legislation Title:** Pedestrian and Bicycle Improvements in Vicinity of Atlanta and Neighborhood Charter Schools

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request the Mayor to enter into a Memorandum of Understanding and Contract Item Agreement with the State of Georgia Department of Transportation to adjust and/or relocate 29 valve boxes, 40 manholes, and a meter box to grade. The project cost is estimated in an amount not to exceed \$188,755.00.

**2. Please provide background information regarding this legislation.**

The Georgia Department of Transportation (GDOT) is sponsoring a project to install new sidewalks. ADA compliant handicap ramps, and to mill and resurface the following streets in the vicinity of Atlanta Charter Middle School and Neighborhood Charter Schools: Ormewood Ave between Woodland Ave and Boulevard Ave; Boulevard Ave between Ormewood Ave and Confederate Ave; Confederate Ave between Boulevard Ave and Ormewood Ave; Ormewood Ave between Woodland Ave and Moreland Ave. By entering into the proposed agreements, the City of Atlanta will benefit from expedited staging of construction, minimized service interruptions, and will limit COA liability and costs related to erosion control, traffic and safety.

**3. If Applicable/Known:**

- (a) **Contract Type:** Construction Services
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids/Proposals Received:** N/A

- (f) Bidders/Proponents: N/A
- (g) Background: N/A
- (h) Term of Contract: N/A

**4. Fund Account Center:**

**FDOA:** 5052 (Water & Wastewater RNE Fund), 171005 (DWM Infrastructure Appurtenance), 5414002 (Facilities Other Than Buildings), 4410000 (Water Administration),

**PATEO:** 17110893 (Utilities GDOT & Municipal), 109 (Utilities Relocation), 505221391 (Water & Wastewater RNE Fund), 5414002 (Facilities Other Than Buildings), COA

**5. Source of Funds:** 5052 (Water & Wastewater RNE Fund)

**6. FISCAL IMPACT: (\$185,755)**

- Cost will be covered by the Department's current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department's current year budget – see account string in legislation

Or

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Note

**7. Method of Cost Recovery:** N/A

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By:** Joseph M. Carpenter

**Contact Number:** 404-546-1331



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 MARIETTA STREET NW  
ATLANTA, GEORGIA 30303

Kishia L. Powell  
COMMISSIONER

**MEMORANDUM**

**TO:** Mohamed M. Balla, Deputy Commissioner, Office of Financial Administration, Department of Watershed Management

**FROM:** Robert A. Bocarro, P.E., Interim Deputy Commissioner, Office of Engineering Services, Department of Watershed Management 

**DATE:** October 31, 2016

**Re:** GDOT PI #0010395 - Memorandum of Understanding and Contract Item Agreement with the State of Georgia Department of Transportation (GDOT) for Wastewater and Water Distribution Facilities. Pedestrian and Bicycle Improvements in Vicinity of Atlanta Charter School - \$185,755.00

The purpose of this legislation is to request the Mayor to enter into a Memorandum of Understanding and Contract Item Agreement with GDOT to adjust 29 valve boxes, 40 manholes, and a meter box to grade. The project cost is estimated in an amount not to exceed \$185,755.00.

The following accounts will fund this project:

**FDOA:** 5052 (Water & Wastewater RNE Fund), 171005 (DWM Infrastructure Appartunenance), 5414002 (Facilities Other Than Buildings), 4410000 (Water Administration), 110893 (Utilities GDOT & Municipal), 21391 (Water & Wastewater RNE Fund)

**PATEO:** 17110893 (Utilities GDOT & Municipal), 109 (Utilities Relocation), 505221391 (Water & Wastewater RNE Fund), 5414002 (Facilities Other Than Buildings), COA

If you have any questions or need any additional information, please feel free to call COA Project Manager, Joseph M. Carpenter at 404-546-1331 or [jcarpenter@atlantaga.gov](mailto:jcarpenter@atlantaga.gov).

Thank you for your assistance with this matter.

**CC:** Ade Abon, DWM  
Joseph M. Carpenter, DWM  
Demetris Johnson, DWM  
Cynthia Lunn, DWM

Russell R. McMurry, P.E., Commissioner



**GEORGIA DEPARTMENT OF TRANSPORTATION**

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

October 14, 2016

Honorable Kasim Reed  
Mayor  
City of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

Project No.: N/A, Fulton County  
P.I. No.: 0010395- Pedestrian and Bicycle Improvements in the vicinity of Atlanta Charter School  
Contract Item Agreement – Water and Sewer Facilities

Dear Mr. Reed,

In accordance with your request, the adjustment of water and sewer facilities belonging to the City of Atlanta is being included in the Department's contract for the roadway work on the above numbered project.

We are transmitting three counterparts of an undated Contract Item Agreement which sets forth the conditions under which the State agrees to have its Contractor perform the work and by which the City of Atlanta will reimburse the Department for this work. As outlined in Article 8, the non-binding post-let commitment letter based on agreed upon contractor pricing including betterment for this work is **\$185,755.00** of which the Department will bear **0.00% or \$0.00** and the **City of Atlanta will bear 100.00% or \$185,755.00**. Also, attached is the commitment letter supporting the Agreement.

If the Agreement meets with your approval, please handle for execution on behalf of the City of Atlanta and return all three (3) counterparts to the State of Georgia, Office of Utilities, One Georgia Center, 600 West Peachtree Street, 10<sup>th</sup> Floor, Atlanta, Georgia 30308 for execution on behalf of the Department. In this connection, be sure to have two witnesses (one of which must be a notary public) sign the Agreement. Please be certain that the notary public affixes his/her seal alongside their signature. Also, complete the attached resolution form and insert the date of resolution on page 6 of the Agreement. The Official Seal of the City of Atlanta is also required to be affixed to each counterpart in compliance with instructions from our Attorney General's Office.

Also please provide the City of Atlanta's Federal Employee Identification Number (FEIN) in the blank shown on page 5 of the Agreement. This number is needed in order for the Department to make payment on your bill when it is submitted.

N/A, Fulton County

P.I. No.: 0010395- Pedestrian and Bicycle Improvements in the vicinity of Atlanta Charter School

Contract Item Agreement – Water and Sewer Facilities

Page 2

in accordance with Articles 8, 9, and 10 of the Agreement, the Department shall notify the City of Atlanta in writing of the amount due the Department based upon the aforementioned commitment letter at the time of execution. At that time a check for the amount required to perform the work will be requested as outlined in the Agreement. The Department will refund any overpayment or request in writing that the City of Atlanta pay the Department the revised amount as determined by the aforesaid method.

If you have any questions or need further information, please contact Kevin Cowan at 404-631-1709 or by email at [kcowan@dot.ga.gov](mailto:kcowan@dot.ga.gov). Please send correspondence by mail addressed to State of Georgia, Office of Utilities, One Georgia Center, 600 West Peachtree Street, 10<sup>th</sup> Floor, Atlanta, Georgia 30308 for execution on behalf of the Department.

Very truly yours,



Kerry Gore  
Assistant State Utilities Administrator

For: Patrick Allen, P. E.  
State Utilities Administrator

PA: KG: KC: AM  
Attachments

cc: Kathy Zahul, District Engineer, Chamblee, Georgia  
Attn.: Nicholas Fields, District Utilities Manager

Account No. – Class: 733007– 309  
Department ID: 4840470001  
Program No.: 4180601

STANDARD UTILITY AGREEMENT  
CONTRACT ITEM AGREEMENT Water and Sewer Facilities

Georgia Project No.: **N/A, Fulton County**  
G.D.O.T. P.I. No.: **0010395**

THIS AGREEMENT, made this \_\_\_\_\_, by and between the Department of Transportation, an agency of the State of Georgia, hereinafter called the DEPARTMENT, first party, and **City of Atlanta**, a political subdivision of the State of Georgia, hereinafter called the LOCAL AGENCY, second party;

WITNESS that:

WHEREAS, the DEPARTMENT proposes under the above numbered project to **improve Pedestrian and Bicycle paths in the vicinity of Atlanta Charter Middle and Neighborhood Charter School in the City of Atlanta in Fulton County Georgia**; and

WHEREAS, due to the construction of this project, it will become necessary to make certain adjustments or additional installation of utility facilities of the LOCAL AGENCY, the cost of which shall be determined in accordance with Articles 8, 9, & 10 below; and

WHEREAS, the LOCAL AGENCY has requested that the DEPARTMENT include the adjustment or installation of **Water and Sewer facilities** in its highway construction contract as shown on the plans; and

WHEREAS, this Agreement being for the sole purpose of providing a contractor for work performed on the LOCAL AGENCY'S **Water Distribution Facilities**, the LOCAL AGENCY shall bear the cost of said work to be determined as hereinafter set forth;

WHEREAS, the preliminary engineering, including preparation of detailed plans and contract estimate for adjustment of the utilities described above have been accomplished by the LOCAL AGENCY;

WHEREAS, the plans for the utility work have been approved by both the DEPARTMENT and the LOCAL AGENCY prior to commencing work;

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1. All construction engineering and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all utility work is accomplished in accordance with plans and specifications and to

STANDARD UTILITY AGREEMENT  
CONTRACT ITEM AGREEMENT-Water and Sewer Facilities

consult with the LOCAL AGENCY or LOCAL AGENCY'S Consultant before authorizing any changes or deviations which affect the LOCAL AGENCY'S facility.

2. The LOCAL AGENCY or the LOCAL AGENCY'S Consultant shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The DEPARTMENT agrees to notify the LOCAL AGENCY when all utility work is completed and ready for final inspection by the LOCAL AGENCY.

3. It is specifically understood that the project number shown above is for the DEPARTMENT'S identification purposes only and may be subject to change by the DEPARTMENT. In the event it becomes necessary for the DEPARTMENT to assign a different project number, the DEPARTMENT shall notify the LOCAL AGENCY of the new project designation. Such change in project designation shall have no effect whatsoever on any of the other terms of this Agreement.

4. The DEPARTMENT shall include in its contract for this project all work necessary to accomplish the adjustment of the LOCAL AGENCY'S facilities as shown on the highway plans along with the necessary specifications to assure that the work conforms to sound construction practices.

5. In the event it becomes necessary to add pay items that are not provided for in the contract, the DEPARTMENT shall negotiate prices with the contractor and enter into a supplemental agreement with the contractor for completion of the additional items. Upon notification, the LOCAL AGENCY shall furnish a check for the additional cost as determined in Article 8 below.

6. The DEPARTMENT shall furnish on the project the construction engineering inspection and testing by its own forces required to assure that the work is done in accordance with the plans, specifications and Special Provisions.

7. Upon completion of the work and upon certification by the DEPARTMENT'S engineers that the work has been completed in accordance with the aforesaid plans and specifications, the LOCAL AGENCY shall accept the adjusted and additional facilities and shall thereafter operate and maintain the adjusted and additional facilities without further cost to the DEPARTMENT or its contractor. Such maintenance and all operations and activities shall be subject to the DEPARTMENT'S rules, policies and procedures as contained in its Utility Accommodation Policy and Standards, current edition.

8. The DEPARTMENT shall include in its highway contract those items shown as "materials" for permanent installation on the aforesaid plans. The price bid for the appropriate items shall include all labor, materials and incidentals necessary to complete the work. The cost of the requested work shall be determined from unit quantities and unit prices as shown in the DEPARTMENT'S tabulation of bids. The approximate non-binding post-let estimate, not including betterment, is **\$185,755.00** based on the LOCAL AGENCY'S

STANDARD UTILITY AGREEMENT  
CONTRACT ITEM AGREEMENT-Water and Sewer Facilities

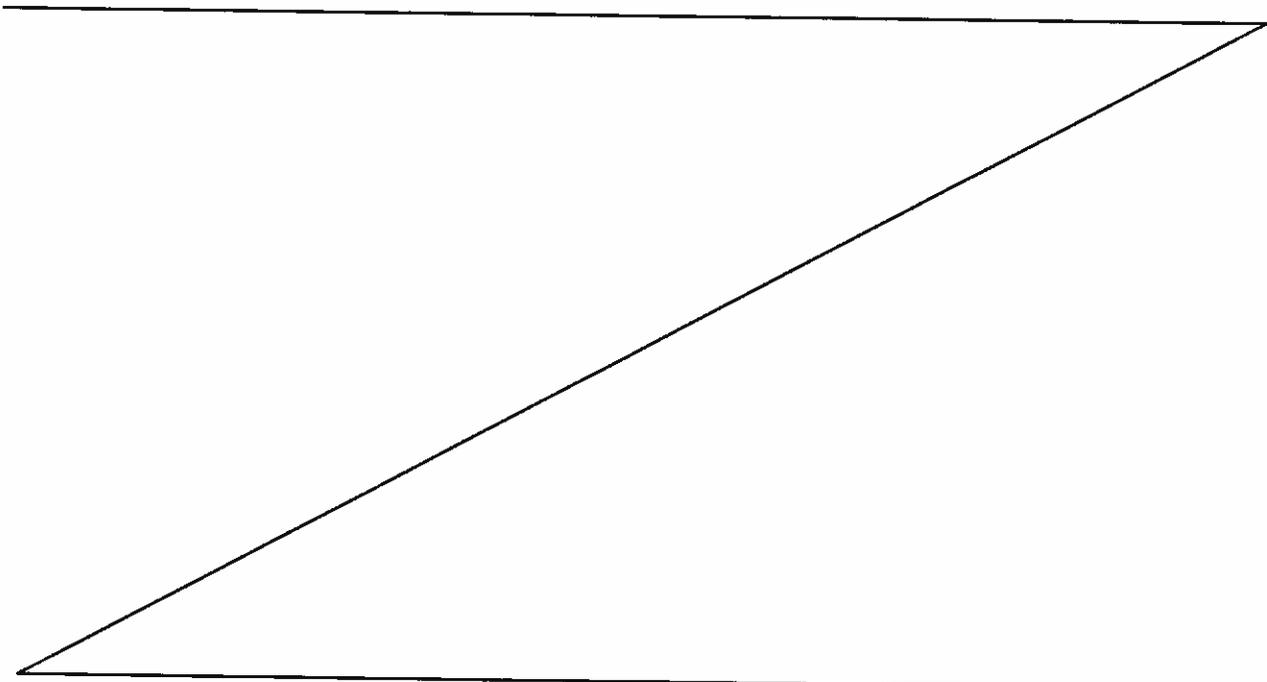
commitment letter from agreed upon contractor pricing attached hereto of which the Department shall bear \$0.00 or 0.00% and the LOCAL AGENCY shall bear \$185,775.00 or 100.00%.

9. It is mutually agreed that as soon as practicable after the execution of the said agreement by the DEPARTMENT, the DEPARTMENT shall notify the LOCAL AGENCY in writing of the amount due the DEPARTMENT. The LOCAL AGENCY shall pay to the DEPARTMENT the amount due within sixty (60) days.

10. It is further mutually agreed that the final cost of the work performed on behalf of the LOCAL AGENCY shall be determined by measurement of the actual quantities of installed materials, including added items under Article 5, multiplied by the actual bid prices. Accordingly, after the project has been completed, the DEPARTMENT shall determine the final cost to be borne by the LOCAL AGENCY and, as the case may be, shall refund to the LOCAL AGENCY or shall request of the LOCAL AGENCY an additional payment in the amount of the difference between the final cost to be borne by the LOCAL AGENCY and the amount which the LOCAL AGENCY has previously paid to the DEPARTMENT. In the event additional payment is due to the DEPARTMENT, the LOCAL AGENCY agrees to pay same within sixty (60) days after the statement is received from the DEPARTMENT. In the event a refund is due the LOCAL AGENCY, the DEPARTMENT agrees to pay the LOCAL AGENCY within sixty (60) after the refund amount is determined or final acceptance is made by the DEPARTMENT.

11. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

12. It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.



STANDARD UTILITY AGREEMENT  
CONTRACT ITEM AGREEMENT-Water and Sewer Facilities

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in three counterparts, each to be considered as original by their authorized representative the day and date hereinabove written.

WITNESS AS TO SECOND PARTY:

CITY OF ATLANTA

BY: \_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
NOTARY PUBLIC (SEAL)

BY: \_\_\_\_\_  
MAYOR

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS \_\_ DAY  
OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:

Signed on behalf of City of Atlanta pursuant to resolution dated \_\_\_\_\_.

\*\*\*\*\*

FEIN \_\_\_\_\_  
\*\*\*\*\*

BY: \_\_\_\_\_  
CITY CLERK  
(OFFICIAL SEAL)

RECOMMENDED: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_

BY: \_\_\_\_\_  
STATE UTILITIES ENGINEER

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
COMMISSIONER

PROJECT No.: N/A  
COUNTY: Fulton  
P.I. NO.: 0010395  
DATE: October 14, 2016AM

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

(OFFICIAL SEAL OF THE DEPARTMENT)

I attest that the seal imprinted herein is the Official Seal of the DEPARTMENT.

BY: \_\_\_\_\_  
TREASURER  
OFFICIAL CUSTODIAN OF THE SEAL

STANDARD UTILITY AGREEMENT  
CONTRACT ITEM AGREEMENT-Water and Sewer Facilities

**RESOLUTION**

STATE OF GEORGIA

**CITY OF ATLANTA**

BE IT RESOLVED by the **Mayor of the CITY OF ATLANTA and the City Council** it is hereby resolved, that the foregoing attached Agreement, relative to project N/A, P.I. No. 0010395 **Pedestrian and Bicycle improvements in the vicinity of Atlanta Charter Middle and Neighborhood Charter School improvements in Fulton County Georgia**, and that **Mr. Kasim Reed** as Mayor and **Rhonda Johnson**, as Municipal Clerk, be and they are, thereby authorized and directed to execute the same for and in behalf of said **Mayor and the City Council**.

Passed and adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
CITY CLERK

BY: \_\_\_\_\_  
MAYOR

STATE OF GEORGIA,

**CITY OF ATLANTA**

I, **Rhonda Johnson**, as Municipal Clerk, do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and was passed by the **Mayor and the City Council of the CITY OF ATLANTA**.

WITNESS my hand and official signature, this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

BY: \_\_\_\_\_  
CITY CLERK



FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
 Readings  
 Consent  V Vote  RC Vo

**First Reading**

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

**A RESOLUTION BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST VALVE BOXES, MANHOLES, METER BOXES AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 0010395, PEDESTRIAN AND BICYCLE IMPROVEMENTS IN THE VICINITY OF ATLANTA CHARTER MIDDLE AND NEIGHBORHOOD CHARTER SCHOOLS IN FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND, SEVEN HUNDRED FIFTY-FIVE DOLLARS AND ZERO CENTS (\$185,755.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM THE FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred 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 \_\_\_\_\_

MAYOR'S ACTION

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) authorized FC-7410, Water Quality and Water Quantity Long Term Monitoring Network (“Agreement”) with the United States Geological Survey, United States Department of Interior, on behalf of the Department of Watershed Management, pursuant to Resolution No. 14-R-3292; and

WHEREAS, the term of the Agreement was for one (1) year with three (3) one (1) year renewal options to be exercised at the City's sole discretion effective January 1, 2014 through December 31, 2014; and

WHEREAS, the City authorized Renewal No. 1 of the Agreement with a term of January 1, 2015 through December 31, 2015, pursuant to Resolution No. 14-R-4457; and

WHEREAS, the City executed a ninety (90) day extension that extended the term of the Agreement to March 30, 2016; and

WHEREAS, the City authorized Renewal No. 2 of the Agreement with a term of March 31, 2016 through December 31, 2016, pursuant to Resolution No. 16-R-3200; and

WHEREAS, the United States Geological Survey, United States Department of Interior continues to satisfactorily perform services under the Agreement; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend authorizing the City's option for Renewal No. 3 with the United States Geological Survey, United States Department of Interior for FC-7410, Water Quality and Water Quantity Long Term Monitoring Network in an amount not to exceed Six Hundred Two Thousand, Eighty-Five Dollars and Sixty Cents (\$602,085.60).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to exercise the City's option for Renewal No. 3 with the United States Geological Survey, United States Department of Interior for FC-7410, Water Quality and Water Quantity Long Term Monitoring Network, on behalf of the Department of Watershed

Management, in an amount not to exceed Six Hundred Two Thousand, Eighty-Five Dollars and Sixty Cents (\$602,085.60);

BE IT FURTHER RESOLVED, the term of Renewal No. 3 will be January 1, 2017 through December 31, 2017;

BE IT FURTHER RESOLVED, that the Chief Procurement Officer, in consultation with the City Attorney is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee;

BE IT FURTHER RESOLVED, that Renewal No. 3 will not become binding on the City and the City will incur no obligation or liability under it until it has been duly executed by the City and delivered to the United States Geological Survey, United States Department of Interior; and

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) 170614 (DWM Compliance & Inspection) 5212001 (Consulting/Professional Services) 7210000 (Protective Inspection Administration).

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-R-4746

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.**

**Workflow List:**

Cristi Walker	Completed	11/17/2016 10:17 AM
Kishia Powell	Completed	11/17/2016 10:25 AM
Finance	Completed	11/17/2016 10:44 AM
Patrick McShane	Completed	11/17/2016 10:45 AM
Procurement	Completed	11/17/2016 12:30 PM
Adam Smith	Completed	11/17/2016 1:07 PM
Mayor's Office	Completed	11/17/2016 1:15 PM
Office of Research and Policy Analysis	Completed	11/22/2016 10:30 AM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Atlanta City Council	Pending	12/05/2016 1:00 PM
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Department of Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 10, 2016

Anticipated Committee Meeting Date(s): November 29, 2016

Anticipated Full Council Date: December 5, 2016

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature] 10/27/16

Chief Financial Officer: [Signature] (AT)

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: [Signature]

**CAPTION**

A RESOLUTION AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUNO DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT - indicate dollar amount: (\$602,085.00)  
(see Part 2-B-#6 when applicable)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 11/10/2016 (date) Reviewed by: [Signature], DCOS (date)

Submitted to Council: \_\_\_\_\_ (date)

11/16/16

**LEGISLATIVE SUMMARY  
DEPARTMENT OF PROCUREMENT**

**FC-7410, Intergovernmental Agreement with U.S. Geological Survey, U.S.  
Department of Interior for Water Quality Monitoring Program – Renewal No. 3**

**TO: City Utilities Committee**

**CAPTION**

**A RESOLUTION AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND EIGHTY FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.**

<b>Committee Meeting Date:</b>	<b>November 29, 2016</b>
<b>Council Meeting Date:</b>	<b>December 5, 2016</b>
<b>Legislation Title:</b>	<b>FC-7410, Water Quality and Water Quantity Long Term Monitoring Network, Renewal No. 3</b>
<b>Requesting Dept.:</b>	<b>Department of Watershed Management</b>
<b>Contract Type:</b>	<b>Intergovernmental Agreement-Services</b>
<b>Source Selection:</b>	<b>Pursuant to City of Atlanta Procurement and Real Estate Code Section 2-1602 and 2-1604</b>
<b>Public Entity:</b>	<b>U.S. Geological Survey, U.S. Department of Interior</b>
<b>Advertisement:</b>	<b>N/A</b>
<b>Bids/Proposals Due:</b>	<b>N/A</b>
<b>Invitations Mailed:</b>	<b>N/A</b>
<b>Bids/Proposals Received:</b>	<b>N/A</b>
<b>Bidders/Proponents:</b>	<b>N/A</b>

<b>Contractor:</b>	<b>U.S. Department of Interior/Geological Survey</b>
<b>Estimated Value:</b>	\$602,085.60
<b>Scope Summary:</b>	To provide both a comprehensive view of water quality and to determine stream loads (fluxes) of constituents, sources of contaminations and changes over time. The program includes an extensive network of long-term, real time stream flow and water-quality monitors and hydrological-based stream water sampling for organic and inorganic contaminants and sediment.
<b>Background:</b>	<p>The City of Atlanta, Department of Watershed Management has a program known as “Clean Water Atlanta” to monitor the water quality of major streams and rivers and to maintain and operate water monitoring equipment in the City of Atlanta. The program will be facilitated with the assistance of the U.S. Department of Interior.</p> <p>The Original contract was executed on 07/02/2014 and expires on 12/31/2014.</p> <p>Renewal Agreement No.1 extended the current Agreement one additional year and added a not to exceed amount of \$578,710.00. Renewal Agreement No. 1 effective term – 01/01/15 to 12/31/15.</p> <p>90-Day Extension extended the current Agreement 90 additional days with effective term – 1/01/16 to 03/30/16.</p> <p>Renewal Agreement No. 2 extended the current Agreement one additional year and added a not to exceed amount of \$590,280.00. Renewal Agreement No. 2 effective term 03/31/16 to 12/31/16.</p> <p>Renewal Agreement No. 3 will extend current Agreement one additional year and add a not to exceed amount of \$602,085.60. Renewal Agreement No. 3 effective term 1/1/2017 to 12/31/2017.</p>
<b>Evaluation Team:</b>	N/A

**Term of Contract:** One (1) base year with three (3) one (1) year renewal options

**Fund Account Centers:** **FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION**

**Prepared By:** Derek East

**Contact Number:** 404-330-6204

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.

**Council Meeting Date:** November 29, 2016

**Legislation Title:** FC-7410, Water Quality and Water Quantity Monitoring Long Term Monitoring Network

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to request authorization to enter into Renewal No. 3 for FC-7410, Intergovernmental Agreement for Water Quality and Water Quantity Long Term Monitoring Network, on behalf of the Department of Watershed Management, in an amount not to exceed \$ 602,085.60.

**2. Please provide background information regarding this legislation.**

The scope of work for this project includes operation and maintenance of water-quantity and water-quality monitoring instruments; collection and analysis of water-quality samples; processing, quality assuring, and publishing data. The watersheds monitored in the City of Atlanta include Peachtree Creek, Nancy Creek, Proctor Creek, Utoy Creek, South River, and Intrenchment Creek.

The data collected for the long-term monitoring program can be used for the following:

1. **Identifying sources of Impairment**—identifying sources of water-quality impairment can be a difficult and time-consuming task. The long-term monitoring program will provide real-time measures of stream water-quality that can be used to identify periods when point sources of pollution are active. The monitoring can also be used to narrow the location of sources and to determine relations between specific types of land use and water-quality impairment.
2. **Determining trends in water quality, particularly with respect to upgrades in wastewater infrastructure**—The COA has completed work on the Nancy Creek and East CSO tunnels. Completion of work on the West CSO tunnel is projected within a few years. The combined effects of these tunnels should be observable in such measures of water quality as pH, dissolved oxygen, specific conductance, and turbidity. Water quality samples are used to calculate loadings, or the total mass of material transported by a stream for a specific period. Long-term changes in the loadings of constituents such as dissolved nitrogen and phosphorus should be observed as sewage overflows are reduced through the implementation of

infrastructure improvements and other programs such as CMOMs. Currently, long-term constituent monitoring is being done only in the South River watershed.

- 3. **Supplement existing water-quality monitoring programs**—The monitoring program can be used to support work required by the COA for NPDES storm-water permits and monitoring required for the SSO Consent Decree. Data from 9 sites will be used to meet MNGWPD requirements for long-term monitoring.
- 4. **Provide information to the City, State, and public that can be used to make management decisions that affect water quality**—The monitoring program can be used to determine the effects of different watershed management and infrastructural improvements on water quality. The monitoring data will be key to understanding if programs are working or not. In addition, state agencies can determine if programs that are effective in Atlanta would be applicable to other municipalities and urban areas in Georgia.

The Contractor has performed satisfactorily.

**3. If Applicable/Known:**

- (a) **Contract Type:** Intergovernmental Agreement (IGA)
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids/Proposals Received:** N/A
- (f) **Bidders/Proponents:** N/A
- (g) **Background:** N/A
- (h) **Term of Contract:** One (1) Year with Three (3) One Year Options to Renew  
January 1, 2016 through December 31, 2016

**4. Fund Account Center:**

**\$602,085.60 - FDOA: 5051 (Water & Wastewater Revenue Fund), 170614 (DWM Compliance & Inspection), 5212001 (Consulting/Professional Services), 7210000 (Protective Inspection Administration)  
[Requisition No. 21707812](#)**

**5. Source of Funds: Water & Wastewater Revenue Fund**

**\$602,085.60 - FDOA: 5051 (Water & Wastewater Revenue Fund), 170614 (DWM Compliance & Inspection), 5212001 (Consulting/Professional Services), 7210000 (Protective Inspection Administration)  
[Requisition No. 21707812](#)**

**6. FISCAL IMPACT**

- Cost will be covered by the Department’s current year budget
- Budget neutral – no monetary impact
- Cost not anticipated in the Department’s current year budget –  
see account string in legislation

Or

---

---

Note

**7. Method of Cost Recovery:**

**8. Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Cynthia Lunn, Watershed Manager**

**Contact Number: 404.546.3626**



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, NW  
Atlanta, Georgia 30303

Kishia L. Powell  
COMMISSIONER

## MEMORANDUM

**To:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**From:** Kishia, L. Powell, Commissioner *KLP 10/11/16*  
Department of Watershed Management

**Cc:** Jay Ash, Interim Deputy Commissioner  
Tahaya Xuarez, Executive Assistant  
Keith Brooks, Deputy Chief Procurement Officer  
Darryl R. Matthews, Sr., Procurement Officer  
Cynthia L. Lunn, Watershed Manager

**Date:** October 7, 2016

**Re:** Legislative Request for Renewal Agreement No. 3 for FC-7410, Intergovernmental Agreement for Water Quality Monitoring Program

**Contractor:** U.S. Geological Survey, United States Department of Interior

**Term:** One (1) year with Two (2) One (1) year options to renew

**Base Term:** January 1, 2014 through December 31, 2014

**Renewal No. 1:** January 1, 2015 through December 31, 2015

**Renewal No. 2:** January 1, 2016 through December 31, 2016

**Renewal No. 3:** January 1, 2017 through December 31, 2017

Please prepare the appropriate Legislative Summary for Cycle 21 (December 5, 2016) to approve Renewal No. 3 for the above referenced services in an amount not to exceed \$602,085.60.

These services shall be charged to and paid from:

FDOA: 5051 (Water & Wastewater Revenue Fund), 170614 (DWM Compliance & Inspection), 5212001 (Consulting/Professional Services), 7210000 (Protective Inspection Administration) **Requisition No. 21707812.**

If you have any additional questions, please contact Cynthia Lunn, Watershed Manager, at (404) 546-3626.



# CITY OF ATLANTA

Kasim Reed  
Mayor

SUITE 1900  
55 TRINITY AVENUE, SW  
ATLANTA, GA 30303  
(404) 330-6204 Fax: (404) 658-7705  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

DEPARTMENT OF PROCUREMENT  
Adam L. Smith, Esq., CPPO, CPPB, CPPM, CPP  
Chief Procurement Officer  
[asmith@atlantaga.gov](mailto:asmith@atlantaga.gov)

## CONTRACTOR PERFORMANCE FORM

<b>CONTRACTOR'S NAME AND ADDRESS:</b>  <b>U.S. Geological Survey, United States Department of the Interior 3039 Amwiler Road Atlanta, Georgia 30360-2824</b>	<b>DATE:</b> October 5, 2016  <b>DEPT. HEAD SIGNATURE:</b> <i>Jay Ash</i>  <b>FCN/NAME:</b> FC-7410, Water Quality and Water Quantity Long Term Monitoring Network <b>DEPT. POINT-OF CONTACT:</b> Jay Ash  <b>TITLE:</b> Deputy Commissioner
<b>WE HAVE THE FOLLOWING COMPLAINT(S). PLEASE REPLY BELOW. (PLEASE USE A SEPARATE SHEET, IF NECESSARY).</b>  No complaints for the referenced contract	
<b>WE HAVE THE FOLLOWING POSITIVE COMMENT(S). PLEASE REPLY BELOW. (PLEASE USE A SEPARATE SHEET, IF NECESSARY).</b>  USGS long term monitoring network continues to provide useful data for programs in DWM-OWP	
<input checked="" type="checkbox"/> <b>WE DESIRE TO EXERCISE OUR RENEWAL OPTIONS AND OUR LEGISLATION LIASON HAS PREPARED THE ATTACHED LEGISLATIVE PACKAGE FOR DOP REVIEW PRIOR TO THE FOLLOWING LEGISLATION CYCLE <u>21</u>.</b>  <input type="checkbox"/> <b>WE DO NOT DESIRE TO EXERCISE OUR RENEWAL OPTIONS AND WOULD LIKE TO INITIATE A NEW SOLICITATION. ATTACHED, PLEASE FIND MY PROCUREMENT REQUEST FORM AND REVISED SCOPE OF SERVICES.</b>	

Checkout: Review and Submit Requisition

Requisition 21707812: Total \$02,080.65 USD

Created By Lunn, Cynthia  
Creation Date 11-Oct-2016 13:48:11  
Description FC-7410, INTERGOVERNMENTAL AGREEMENT FOR WATER QUALITY MONITRING PROGRAM, RENEWAL NO. 3  
Justification

Requisition Attachments

File Name	Type	Description	Category	Last Updated By	Last Updated	Usage	Update	Delete	Publish to Catalog
No results found									

Lines

Details Line	Description	Cost Center	Unit	Quantity	Price	Amount (USD)	Attachments
Hide 1	FC 7410, INTERGOVERNMENTAL AGREEMENT FOR WATER QUALITY MONITRING PROGRAM RENEWAL NO 3	17:G14	LOT	602080 65	1 USD	602,080 65	
	Requester Stanley, Anthony						Drawer-To Location 904-A
	Need-By Date 23-Dec-2016 13:48:42						Destination Type Expense
	Item Number						Supplier U S DEPT OF INTERIOR/ GEOLOGICAL SURVEY
	Category Description MISCELLANEOUS SERVICES, NO. 1 (NOT OTHERWISE CLASSIFIED)						Supplier Site ATLANTA-00
	P-Card Used No						Supplier Contact TIMOTHY HALE, TIMOTHY HALE
	Taxable No						Contact Phone 678.924.6658
							Supplier Item

Billing Information

Charge Account	Project Number	Task Number	Award Number	Expenditure Type	Expenditure Organization	Expenditure Item	Expenditure Date	Percent	Legacy FAC Number	Legacy GL Date
5051 170614 5212001 7210000 000000 00000 0000 00000000 00000000								100		
									Total	602,080.65

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First Reading

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

**FINAL COUNCIL ACTION**  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
**Readings**  
 Consent  V Vote  RC Vote

**CERTIFIED**

A RESOLUTION AUTHORIZING RENEWAL NO. 3 WITH THE UNITED STATES GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR FC-7410, WATER QUALITY AND WATER QUANTITY LONG TERM MONITORING NETWORK, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWO THOUSAND, EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$602,085.60); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 170614 (DWM COMPLIANCE & INSPECTION) 5212001 (CONSULTING/PROFESSIONAL SERVICES) 7210000 (PROTECTIVE INSPECTION ADMINISTRATION); AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER
- ate Referred: \_\_\_\_\_

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

**MAYOR'S ACTION**

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES. (PUBLIC HEARING HELD 5/27/14) (HELD 5/27/14 TO BE REVIEWED BY THE NPUS)**

WHEREAS, it is the policy and responsibility of the City of Atlanta (“City”) to protect the health, safety, and welfare of the City’s residents and visitors; and

WHEREAS, proper solid waste management is essential to protecting the health, safety, and welfare of said residents and visitors; and

WHEREAS, ensuring the proper collection, removal and disposal of all commercial solid waste from within the corporate limits of the City is a major component of the City’s responsibilities to its residents and visitors; and

WHEREAS, commercial waste generated within the City is currently collected by private solid waste haulers; and

WHEREAS, the City seeks to provide standards of operation, regulation, and oversight in the providing of commercial solid waste services within the City limits; and

WHEREAS, the City seeks a fair and reasonable fee for the management and maintenance of its streets and rights-of-way to provide a proper level of oversight and regulation over commercial waste haulers within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

**SECTION 1:** That Section 130-44 of the Atlanta City Code shall be replaced in its entirety so that the new Section 130-44 shall be re-titled and revised as follows:

Sec. 130-44. - Collection and transportation of commercial and non-residential solid waste.

Sec. 130-44.1. Part designation.

This section shall be known and may hereafter be referred to as the “City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance.”

Sec. 130-44.2. Declaration of Policy.

It is the policy and responsibility of the City of Atlanta to protect the health, safety, and welfare of the City’s residents and visitors. As part of that responsibility, proper solid waste management is essential to protecting the health, safety, and welfare of the City’s residents and visitors and ensuring the proper collection, removal and disposal of all commercial non-residential solid waste from within the corporate limits of the City is a major component of the City’s responsibilities to its residents and visitors.

Included in this policy is the implementation of an infrastructure maintenance fee to be imposed on commercial solid waste hauling services. This fee is designed to support the cost of repair of City infrastructure damaged as a result of the use of City streets by the vehicles used in waste collection activities by commercial haulers.

Accordingly, the implementation of this City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance is designed to make certain that all commercial haulers involved in the collection, transportation, and disposal of such waste will manage such activities efficiently and responsibly. This Ordinance will further ensure that the public's investment in the City's public streets is further protected through the collection of infrastructure maintenance fees from commercial haulers that will be used to maintain and improve the City's public right-of-way.

Sec. 130-44.3. Definitions.

The definitions in Section 130-1 of this Chapter apply to this Section unless otherwise indicated. Additionally, the following terms and phrases, where used in this Section, shall have the meanings ascribed to them in this section, unless different meanings are clearly indicated by context. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this Section or otherwise in this ordinance shall be given their common and ordinary meaning.

*Commercial establishments* means all places located in the City not classified as residential premises, which produce or accumulate solid waste, including adjacent unimproved property.

*Commercial hauler* means any entity that provides commercial solid waste collection and transportation services and is granted a permit by the City authorizing said entity to provide such services to customers located in the City.

*Customers* mean Commercial Establishments, Industrial Establishments, and Institutional Establishments that operate in the City.

*Department* means the Department of Public Works.

*EPD* means the Environmental Protection Division of the Georgia Department of Natural Resources.

*Permit* means a non-exclusive right of a commercial hauler, granted pursuant to this Section, to operate within the City, to collect, transport and dispose of commercial solid waste.

*Permittee* means a commercial hauler that has obtained a permit from the City.

*Gross Receipts* means the entire amount of the fees collected by a permittee, for commercial waste collection, transportation and disposal under the authority of this Section.

*Industrial establishments* means businesses located in the City whose primary activity includes manufacturing, processing, or assembly of products.

*Institutional establishments* means establishments located in the City operated by governmental entities, non-profit organizations, hospitals, schools, colleges, universities, religious organizations, and public and charitable organizations.

Sec. 130-44.4. Permit Required

No commercial hauler shall collect or transport commercial waste within the City without having a currently valid commercial collection permit issued by the City.

- a. *Permit application required:* All commercial haulers desiring to provide solid waste collection services within the City must submit an application to the commissioner on forms provided by the City.
- b. *Permit application fee:* The City shall collect a non-refundable permit application fee of \$500.00.
- c. *Permit renewal fee:* All annual permits shall be subject to annual renewal and assessed a renewal fee of \$250.00.

Sec. 130-44.5. Term.

The term of any permit issued pursuant Section 130.44.4 shall be for a period of not more than one year. Each permit issued within a calendar year shall expire on December 31 and be subject to renewal on or before December 31 of each year thereafter.

Sec. 130-44.6. Minimum Requirements.

All commercial haulers utilizing the public streets, alleys, roads and thoroughfares within the City for the purpose of operating and engaging in the business of collecting and disposing of commercial waste shall comply with the following minimum requirements:

- a. All commercial haulers must furnish sufficient personnel and equipment to provide the services described herein and as contracted with its customers in an efficient and businesslike manner.
- b. All commercial haulers must obtain a solid waste handling permit from the director of the EPD pursuant to O.C.G.A. §12-8-24.

- c. All commercial haulers must use only vehicles and containers which comply with rules of the environmental protection division of the state department of natural resources. All solid waste containers must comply with the requirements of City Code Section 130-43 (d).
- d. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed of substantially leakproof durable metal, easily cleanable and designed to prevent litter from escaping during transport. Vehicles must also meet all safety, size and weight requirements of the State of Georgia Department of Transportation.

Sec. 130-44.7. Establishment of an Infrastructure Maintenance Fee.

The streets, rights-of-way, and public easements to be used by commercial haulers in the operation of its business within the boundaries of the City are valuable public properties acquired and maintained by the City at great expense to its taxpayers for which the City incurs substantial costs to regulate and maintain. It is the purpose of this section to establish a fair and reasonable fee to be paid to the City by commercial haulers for their use of the City's rights-of-way and to administer this Section.

- a. *Infrastructure Maintenance fee:* an infrastructure maintenance fee shall be assigned to all commercial haulers collecting and disposing of commercial waste, recyclables, bulky trash, yard trimmings, bio-medical and hazardous waste, scrap tires, and/or other forms of waste.
- b. *Quarterly fee submission:* On a quarterly basis throughout the term of the permit, the permitted commercial hauler shall pay and the City shall collect an infrastructure maintenance fee equal to five percent (5%) of the permittee's billable service to customers within the City (exclusive of Sales Tax).
  - 1. The Infrastructure Maintenance Fee shall be payable quarterly to the City and delivered to the City together with a statement indicating the derivation and calculation of such payment. Each such quarterly payment shall be due on the 15th day of the second month following the end of the quarterly period for which said payment is due. The quarterly payments shall be due on February 15, May 15, August 15, and November 15 of each year during the term of the permit.
  - 2. For purposes of verifying the amount of such fee, the books and records of the permittee shall at all reasonable times be subject to inspection by the duly authorized representatives of the City.
  - 3. In the event the permittee fails to pay the full infrastructure maintenance fee as set forth in this Section on or before the dates set out in subsection (b)(1) immediately above, the City may suspend the permit until payment is made in full. The commissioner has the authority to revoke the permit upon the permittee's failure to comply with the provisions of this Ordinance.

Sec. 130-44.8 Reporting Requirements

All commercial haulers shall report on a quarterly basis to the Commissioner or his designee all solid waste and recyclable materials collected within the City.

- a. *Reporting data:* Quarterly reports shall include but not be limited to the total number of commercial customer accounts and the total monthly gross revenue receipts.
- b. *Reporting dates:* Quarterly reports shall be submitted to the Commissioner each quarter on or before February 15, May 15, August 15, and November 15 of each year during the term of the permit.

Sec. 130-44.9 Insurance and Bonding.

In addition to a valid City business license, all permitted commercial haulers conducting activities within the public rights-of-way shall be required to maintain surety, security fund, insurance, and bonding requirements that have been determined by the City's risk manager to be sufficient to protect the city from occurrences and omissions which may occur during the activities conducted by the permittee in the City rights-of-way.

Sec. 130-44.10. Indemnification.

All commercial haulers conducting activities within the City rights-of-way pursuant to a permit shall agree to indemnify, defend and save harmless the City, its agents, officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity arising from any negligent act or omission or willful misconduct of the permittee or any of its agents, contractors, servants, employees or contractors, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon.

Sec. 130-44.11. Suspension, Revocation and Termination of Permit.

The City may suspend or revoke any commercial hauler permit if the permittee fails to comply with any of the requirements of its permit or this Ordinance. The City may suspend the permit for a stated period of time, or place other conditions on the permit as the City finds necessary. The City shall give the permittee notice and an opportunity to be heard before the City suspends or revokes a permit. Permittee shall be responsible for paying all costs, expenses, attorneys' fees and damages the City incurs as a result of permittee's failure to comply with the requirements of its permit or this Ordinance.

SECTION 2: That the Infrastructure Maintenance Fee collected by the City under this Ordinance shall be dedicated to (I) the maintenance of the City's streets, corridors, thoroughfares, and transportation routes; (ii) a Pavement Condition Study; and (iii) a Microsurfacing Preventative Maintenance Program.

SECTION 3: That the Chief Financial Officer shall be authorized to create such reserve accounts as may be necessary to receive the Infrastructure Maintenance Fee collected by the City under this Ordinance and to create such accounts as may be necessary to expend such funds in accord with this Ordinance.

SECTION 4: That this Ordinance will become effective on July 1, 2014.

SECTION 5: That current Section 130-44 entitled "Same - outdoor events", be renumbered and re-titled "Sec. 130-45 Removal of Solid Waste - outdoor events".

SECTION 6: That current Section 130-45 entitled "Same - Construction and demolition wastes" be renumbered and re-titled "Sec. 130-46 Removal of Solid Waste - construction and demolition wastes".

SECTION 7: That current Section 130-46 entitled "Same - Household hazardous materials" be renumbered and re-titled "Sec. 130-47 Removal of Solid Waste - Household hazardous materials".

SECTION 8: That remaining Sections 130-48 through 130-50 of Article I of Chapter 130, entitled "Generally" continue to be reserved.

**CITY COUNCIL  
ATLANTA, GEORGIA**

14-O-1241

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.**

**(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by  
the NPUs)**

**Workflow List:**

Santana K. Wright	Completed	04/30/2014 4:35 PM
Rita Braswell	Completed	04/30/2014 5:10 PM
Richard Mendoza	Completed	05/01/2014 2:46 PM
Stefanie Grant	Completed	05/01/2014 3:31 PM
Mayor's Office	Completed	05/01/2014 4:12 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:38 PM
City Utilities Committee	Completed	05/13/2014 9:30 AM
Atlanta City Council	Completed	05/19/2014 1:00 PM
City Utilities Committee	Completed	05/27/2014 9:30 AM
Atlanta City Council	Completed	06/02/2014 1:00 PM
City Utilities Committee	Completed	06/10/2014 9:30 AM
Atlanta City Council	Completed	06/16/2014 1:00 PM
City Utilities Committee	Completed	06/24/2014 9:30 AM
Atlanta City Council	Completed	07/07/2014 1:00 PM
City Utilities Committee	Completed	07/15/2014 9:30 AM
Atlanta City Council	Completed	07/21/2014 1:00 PM
City Utilities Committee	Completed	07/29/2014 9:30 AM
Atlanta City Council	Completed	08/18/2014 1:00 PM
City Utilities Committee	Completed	08/26/2014 9:30 AM
Atlanta City Council	Completed	09/02/2014 1:00 PM
City Utilities Committee	Completed	09/09/2014 9:30 AM
Atlanta City Council	Completed	09/15/2014 1:00 PM
City Utilities Committee	Completed	09/23/2014 9:30 AM
Atlanta City Council	Completed	10/06/2014 1:00 PM
City Utilities Committee	Completed	10/14/2014 9:30 AM
Atlanta City Council	Completed	10/20/2014 1:00 PM
City Utilities Committee	Completed	10/28/2014 9:30 AM
Atlanta City Council	Completed	11/03/2014 1:00 PM
City Utilities Committee	Completed	11/10/2014 9:30 AM

Last Updated: 10/14/15

14-O-1241

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Atlanta City Council	Completed	11/17/2014 1:00 PM
City Utilities Committee	Completed	11/24/2014 9:30 AM
Atlanta City Council	Completed	12/01/2014 1:00 PM
City Utilities Committee	Completed	12/09/2014 9:30 AM
Atlanta City Council	Completed	01/05/2015 1:00 PM
City Utilities Committee	Completed	01/13/2015 9:30 AM
Atlanta City Council	Completed	01/20/2015 1:00 PM
City Utilities Committee	Completed	01/27/2015 9:30 AM
Atlanta City Council	Completed	02/02/2015 1:00 PM
City Utilities Committee	Completed	02/10/2015 9:30 AM
Atlanta City Council	Completed	02/17/2015 1:00 PM
City Utilities Committee	Completed	02/24/2015 9:30 AM
Atlanta City Council	Completed	03/02/2015 1:00 PM
City Utilities Committee	Completed	03/16/2015 10:15 AM
Atlanta City Council	Completed	03/16/2015 1:00 PM
City Utilities Committee	Completed	03/24/2015 9:30 AM
Atlanta City Council	Completed	04/20/2015 1:00 PM
City Utilities Committee	Completed	04/28/2015 9:30 AM
Atlanta City Council	Completed	05/04/2015 1:00 PM
City Utilities Committee	Completed	05/12/2015 9:30 AM
Atlanta City Council	Completed	05/18/2015 1:00 PM
City Utilities Committee	Completed	05/26/2015 9:30 AM
Atlanta City Council	Completed	06/01/2015 1:00 PM
City Utilities Committee	Completed	06/09/2015 9:30 AM
Atlanta City Council	Completed	06/15/2015 1:00 PM
City Utilities Committee	Completed	06/23/2015 9:30 AM
Atlanta City Council	Completed	07/06/2015 1:00 PM
City Utilities Committee	Completed	07/14/2015 9:30 AM
Atlanta City Council	Completed	07/20/2015 1:00 PM
City Utilities Committee	Completed	07/28/2015 9:30 AM
Atlanta City Council	Completed	08/17/2015 1:00 PM
City Utilities Committee	Completed	08/25/2015 9:30 AM
Atlanta City Council	Completed	09/08/2015 1:00 PM
City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM

Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM
City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

05/13/14	City Utilities Committee	
05/19/14	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 5/27/2014 9:30 AM</b>
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Archibong, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>ABSENT:</b>	Michael Julian Bond, Ivory Lee Young Jr., Clela Winslow, Alex Wan	

05/27/14	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/2/2014 1:00 PM</b>
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06/02/14	Atlanta City Council	REFERRED AS HELD
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<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 6/10/2014 9:30 AM</b>
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06/10/14	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/16/2014 1:00 PM</b>
06/16/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 6/24/2014 9:30 AM</b>
06/24/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/7/2014 1:00 PM</b>
07/07/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 7/15/2014 9:30 AM</b>
07/15/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/21/2014 1:00 PM</b>
07/21/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 7/29/2014 9:30 AM</b>
07/29/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/18/2014 1:00 PM</b>
08/18/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 8/26/2014 9:30 AM</b>
08/26/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/2/2014 1:00 PM</b>
09/02/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 9/9/2014 9:30 AM</b>
09/09/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/15/2014 1:00 PM</b>
09/15/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 9/23/2014 9:30 AM</b>
09/23/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/6/2014 1:00 PM</b>
10/06/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/14/2014 9:30 AM</b>
10/14/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/20/2014 1:00 PM</b>
10/20/14	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/28/2014 9:30 AM</b>
10/28/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/3/2014 1:00 PM</b>
11/03/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/10/2014 9:30 AM</b>
11/10/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/17/2014 1:00 PM</b>
11/17/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/24/2014 9:30 AM</b>
11/24/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/1/2014 1:00 PM</b>
12/01/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/9/2014 9:30 AM</b>
12/09/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/5/2015 1:00 PM</b>
01/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/13/2015 9:30 AM</b>
01/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/20/2015 1:00 PM</b>
01/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/27/2015 9:30 AM</b>
01/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/2/2015 1:00 PM</b>
02/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/10/2015 9:30 AM</b>
02/10/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/17/2015 1:00 PM</b>
02/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/24/2015 9:30 AM</b>
02/24/15	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/2/2015 1:00 PM</b>
03/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/16/2015 10:15 AM</b>
03/16/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
03/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/24/2015 9:30 AM</b>
03/24/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/20/2015 1:00 PM</b>
04/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/28/2015 9:30 AM</b>
04/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/4/2015 1:00 PM</b>
05/04/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/12/2015 9:30 AM</b>
05/12/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/18/2015 1:00 PM</b>
05/18/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/26/2015 9:30 AM</b>
05/26/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/1/2015 1:00 PM</b>
06/01/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/9/2015 9:30 AM</b>
06/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
06/15/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/23/2015 9:30 AM</b>
06/23/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
07/06/15	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/14/2015 9:30 AM</b>
07/14/15	City Utilities Committee	
07/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/28/2015 9:30 AM</b>
07/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/17/2015 1:00 PM</b>
08/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/25/2015 9:30 AM</b>
08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/15/2015 9:30 AM</b>
09/15/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/21/2015 1:00 PM</b>
09/21/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

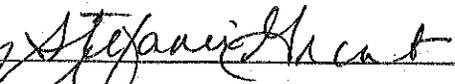
Originating Department: Department of Public Works

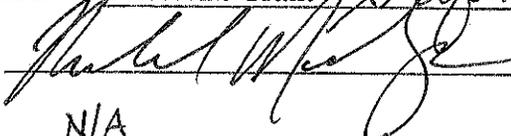
Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: April 25, 2014

Anticipated Committee Meeting Date(s): TBD - FY 2015 Budget

Anticipated Full Council Date: TBD - FY 2015 Budget

Legislative Counsel's Signature: Stefanie Grant 

Commissioner's Signature: 

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

AN ORDINANCE TO AMEND CHAPTER 130, ("SOLID WASTE MANAGEMENT"), ARTICLE II, ("MUNICIPAL COLLECTION AND DISPOSAL SYSTEM"), DIVISION 1, ("GENERALLY") AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICE TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT:**

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: Prince Osei 4/25/14  
(date)

Reviewed by:   
(date)

Submitted to Council: \_\_\_\_\_ (date)

Attachment: Infrastructure Mtc Fee (14-O-1241 : Infrastructure Maintenance Fee)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICE TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.**

**WHEREAS**, it is the policy and responsibility of the City of Atlanta (“City”) to protect the health, safety, and welfare of the City’s residents and visitors; and

**WHEREAS**, proper solid waste management is essential to protecting the health, safety, and welfare of said residents and visitors; and

**WHEREAS**, ensuring the proper collection, removal and disposal of all commercial solid waste from within the corporate limits of the City is a major component of the City’s responsibilities to its residents and visitors; and

**WHEREAS**, commercial waste generated within the City is currently collected by private solid waste haulers; and

**WHEREAS**, the City seeks to provide standards of operation, regulation, and oversight in the providing of commercial solid waste services within the City limits; and

**WHEREAS**, the City seeks a fair and reasonable fee for the management and maintenance of its streets and rights-of-way to provide a proper level of oversight and regulation over commercial waste haulers within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:**

**SECTION 1:** That Section 130-44 of the Atlanta City Code shall be replaced in its entirety so that the new Section 130-44 shall be re-titled and revised as follows:

**Sec. 130-44. - Collection and transportation of commercial and non-residential solid waste.**

**Sec. 130-44.1. Part designation.**

This section shall be known and may hereafter be referred to as the “City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance.”

**Sec. 130-44.2. Declaration of Policy.**

It is the policy and responsibility of the City of Atlanta to protect the health, safety, and welfare of the City's residents and visitors. As part of that responsibility, proper solid waste management is essential to protecting the health, safety, and welfare of the City's residents and visitors and ensuring the proper collection, removal and disposal of all commercial non-residential solid waste from within the corporate limits of the City is a major component of the City's responsibilities to its residents and visitors.

Included in this policy is the implementation of an infrastructure maintenance fee to be imposed on commercial solid waste hauling services. This fee is designed to support the cost of repair of City infrastructure damaged as a result of the use of City streets by the vehicles used in waste collection activities by commercial haulers.

Accordingly, the implementation of this City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance is designed to make certain that all commercial haulers involved in the collection, transportation, and disposal of such waste will manage such activities efficiently and responsibly. This Ordinance will further ensure that the public's investment in the City's public streets is further protected through the collection of infrastructure maintenance fees from commercial haulers that will be used to maintain and improve the City's public right-of-way.

**Sec. 130-44.3. Definitions.**

The definitions in Section 130-1 of this Chapter apply to this Section unless otherwise indicated. Additionally, the following terms and phrases, where used in this Section, shall have the meanings ascribed to them in this section, unless different meanings are clearly indicated by context. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this Section or otherwise in this ordinance shall be given their common and ordinary meaning.

*Commercial establishments* means all places located in the City not classified as residential premises, which produce or accumulate solid waste, including adjacent unimproved property.

*Commercial hauler* means any entity that provides commercial solid waste collection and transportation services and is granted a permit by the City authorizing said entity to provide such services to customers located in the City.

*Customers* mean Commercial Establishments, Industrial Establishments, and Institutional Establishments that operate in the City.

*Department* means the Department of Public Works.

*EPD* means the Environmental Protection Division of the Georgia Department of Natural Resources.

*Permit* means a non-exclusive right of a commercial hauler, granted pursuant to this Section, to operate within the City, to collect, transport and dispose of commercial solid waste.

*Permittee* means a commercial hauler that has obtained a permit from the City.

*Gross Receipts* means the entire amount of the fees collected by a permittee, for commercial waste collection, transportation and disposal under the authority of this Section.

*Industrial establishments* means businesses located in the City whose primary activity includes manufacturing, processing, or assembly of products.

*Institutional establishments* means establishments located in the City operated by governmental entities, non-profit organizations, hospitals, schools, colleges, universities, religious organizations, and public and charitable organizations.

#### **Sec. 130-44.4. Permit Required**

No commercial hauler shall collect or transport commercial waste within the City without having a currently valid commercial collection permit issued by the City.

- a. *Permit application required:* All commercial haulers desiring to provide solid waste collection services within the City must submit an application to the commissioner on forms provided by the City.
- b. *Permit application fee:* The City shall collect a non-refundable permit application fee of \$500.
- c. *Permit renewal fee:* All annual permits shall be subject to annual renewal and assessed a renewal fee of \$250.

#### **Sec. 130-44.5. Term.**

The term of any permit issued pursuant Section 130.44.4 shall be for a period of not more than one year. Each permit issued within a calendar year shall expire on December 31 and be subject to renewal on or before December 31 of each year thereafter.

#### **Sec. 130-44.6. Minimum Requirements.**

All commercial haulers utilizing the public streets, alleys, roads and thoroughfares within the City for the purpose of operating and engaging in the business of collecting and disposing of commercial waste shall comply with the following minimum requirements:

- a. All commercial haulers must furnish sufficient personnel and equipment to provide the services described herein and as contracted with its customers in an efficient and businesslike manner.
- b. All commercial haulers must obtain a solid waste handling permit from the director of the EPD pursuant to O.C.G.A. §12-8-24.
- c. All commercial haulers must use only vehicles and containers which comply with rules of the environmental protection division of the state department of natural resources. All solid waste containers must comply with the requirements of City Code Section 130-43 (d).
- d. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed of substantially leakproof durable metal, easily cleanable and designed to prevent litter from escaping during transport. Vehicles must also meet all safety, size and weight requirements of the State of Georgia Department of Transportation.

**Sec. 130-44.7. Establishment of an Infrastructure Maintenance Fee.**

The streets, rights-of-way, and public easements to be used by commercial haulers in the operation of its business within the boundaries of the City are valuable public properties acquired and maintained by the City at great expense to its taxpayers for which the City incurs substantial costs to regulate and maintain. It is the purpose of this section to establish a fair and reasonable fee to be paid to the City by commercial haulers for their use of the City's rights-of-way and to administer this Section.

- a. *Infrastructure Maintenance fee:* an infrastructure maintenance fee shall be assigned to all commercial haulers collecting and disposing of commercial waste, recyclables, bulky trash, yard trimmings, bio-medical and hazardous waste, scrap tires, and/or other forms of waste.
- b. *Quarterly fee submission:* On a quarterly basis throughout the term of the permit, the permitted commercial hauler shall pay and the City shall collect an infrastructure maintenance fee equal to five percent (5%) of the permittee's billable service to customers within the City (exclusive of Sales Tax).
  1. The Infrastructure Maintenance Fee shall be payable quarterly to the City and delivered to the City together with a statement indicating the derivation and calculation of such payment. Each such quarterly payment shall be due on the 15th day of the second month following the end of the quarterly period for which said payment is due. The quarterly payments shall be due on February 15, May 15, August 15, and November 15 of each year during the term of the permit.

2. For purposes of verifying the amount of such fee, the books and records of the permittee shall at all reasonable times be subject to inspection by the duly authorized representatives of the City.
3. In the event the permittee fails to pay the full infrastructure maintenance fee as set forth in this Section on or before the dates set out in subsection (b)(1) immediately above, the City may suspend the permit until payment is made in full. The commissioner has the authority to revoke the permit upon the permittee's failure to comply with the provisions of this Ordinance.

#### **Sec. 130-44.8 Reporting Requirements**

All commercial haulers shall report on a quarterly basis to the Commissioner or his designee all solid waste and recyclable materials collected within the City.

- a. *Reporting data:* Quarterly reports shall include but not be limited to the total number of commercial customer accounts and the total monthly gross revenue receipts.
- b. *Reporting dates:* Quarterly reports shall be submitted to the Commissioner each quarter on or before February 15, May 15, August 15, and November 15 of each year during the term of the permit.

#### **Sec. 130-44.9 Insurance and Bonding.**

In addition to a valid City business license, all permitted commercial haulers conducting activities within the public rights-of-way shall be required to maintain surety, security fund, insurance, and bonding requirements that have been determined by the City's risk manager to be sufficient to protect the city from occurrences and omissions which may occur during the activities conducted by the permittee in the City rights-of-way.

#### **Sec. 130-44.10. Indemnification.**

All commercial haulers conducting activities within the City rights-of-way pursuant to a permit shall agree to indemnify, defend and save harmless the City, its agents, officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity arising from any negligent act or omission or willful misconduct of the permittee or any of its agents, contractors, servants, employees or contractors, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon.

#### **Sec. 130-44.11. Suspension, Revocation and Termination of Permit.**

The City may suspend or revoke any commercial hauler permit if the permittee fails to comply with any of the requirements of its permit or this Ordinance. The City may

suspend the permit for a stated period of time, or place other conditions on the permit as the City finds necessary. The City shall give the permittee notice and an opportunity to be heard before the City suspends or revokes a permit. Permittee shall be responsible for paying all costs, expenses, attorneys' fees and damages the City incurs as a result of permittee's failure to comply with the requirements of its permit or this Ordinance.

**SECTION 2:** That the Infrastructure Maintenance Fee collected by the City under this Ordinance shall be dedicated to (i) the maintenance of the City's streets, corridors, thoroughfares, and transportation routes; (ii) a Pavement Condition Study; and (iii) a Microsurfacing Preventative Maintenance Program.

**SECTION 3:** That the Chief Financial Officer shall be authorized to create such reserve accounts as may be necessary to receive the Infrastructure Maintenance Fee collected by the City under this Ordinance and to create such accounts as may be necessary to expend such funds in accord with this Ordinance.

**SECTION 4:** That this Ordinance will become effective on July 1, 2014.

**SECTION 5:** That current Section 130-44 entitled "Same – outdoor events", be renumbered and re-titled "Sec. 130-45 Removal of Solid Waste – outdoor events".

**SECTION 6:** That current Section 130-45 entitled "Same – Construction and demolition wastes" be renumbered and re-titled "Sec. 130-46 Removal of Solid Waste – construction and demolition wastes".

**SECTION 7:** That current Section 130-46 entitled "Same – Household hazardous materials" be renumbered and re-titled "Sec. 130-47 Removal of Solid Waste – Household hazardous materials".

**SECTION 8:** That remaining sections 130-48 through 130-50 of Article I of Chapter 130, entitled "Generally" continue to be reserved.

**A. To be completed by Legislative Counsel:**

**Caption:**

**AN ORDINANCE TO AMEND CHAPTER 130, ("SOLID WASTE MANAGEMENT"), ARTICLE II, ("MUNICIPAL COLLECTION AND DISPOSAL SYSTEM"), DIVISION 1, ("GENERALLY") AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICE TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.**

**Committee of Purview: City Utilities Committee**

**Committee Meeting Date: TBD – FY 2015 Budget**

**Council Meeting Date: TBD – FY 2015 Budget**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

This legislation is to institute a fee for infrastructure usage by solid waste haulers.

**2. Please provide background information regarding this legislation.**

The streets, rights-of-way, and public easements used by the Solid Waste Haulers in the operation of its business within the boundaries of the city, are valuable public properties acquired and maintained by the city at great expense to its taxpayers. The city incurs costs to maintain the infrastructure used by these Haulers without recompense. Additionally, many of the haulers have no address inside of the city of Atlanta and do not pay business taxes to the city. In support of the City of Atlanta's sustainability goal and becoming a top 10 city, monitoring waste streams is vital. The levy of an Infrastructure Maintenance Fee will allow for the data collection and oversight.

In consideration of such, the City of Atlanta should collect an infrastructure maintenance fee equal to five percent of the company's gross receipts to customers within the city, exclusive of sales tax. All commercial and multi-family solid waste collectors and haulers will be required to be permitted on an annual basis by the city and quality of operations regulated.

**3. If Applicable/Known:**

- (a) **Contract Type:** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Department Organization/Account Function/Activity:**

5401.130501.3442707.4510000

**5. Source of Funds:**

Payments received from solid waste haulers

**6. Fiscal Impact:**

Approximately \$500,000 per year.

**7. Method of Cost Recovery:**

Fee for payment

**This Legislative Request Form Was Prepared By: Rita Braswell**

Attachment: Infrastructure Mtc Fee (14-O-1241 : Infrastructure Maintenance Fee)

(Do Not Write Above This Line)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 130, ("SOLID WASTE MANAGEMENT"), ARTICLE II, ("MUNICIPAL COLLECTION AND DISPOSAL SYSTEM"), DIVISION 1, ("GENERALLY") AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICE TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred To \_\_\_\_\_

First Reading

<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>
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<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>
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FINAL COUNCIL ACTION

2nd       1<sup>st</sup> & 2<sup>nd</sup>       1<sup>st</sup>

Consent      Readings       Vote      RC Vote

CERTIFIED

MAYOR'S ACTION

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 138, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III, “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY”, AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY PERMITS; AND FOR OTHER PURPOSES.**

**(PUBLIC HEARING HELD 5/27/14) (HELD 5/27/14 TO BE REVIEWED BY THE NPUS)**

WHEREAS, the City of Atlanta (“City”) is charged with maintaining control of and access to the Right of Way in order to protect the health, safety, and welfare of the City’s residents and visitors; and

WHEREAS, construction and excavation in the City streets significantly interferes with public use and results in a negative impact on air quality, a loss of parking, and in a loss of business to merchants; and

WHEREAS, construction in and the excavation of paved streets significantly degrades and shortens the service life of such streets; and

WHEREAS, substantial public funds have been invested to build, maintain and repair city streets;

WHEREAS, pavement cuts lead to the reduced structural life of paved streets due to intrusion into the road base, and also increases the frequency and cost to the public of necessary resurfacing, maintenance and repair, regardless of the quality of restoration; and

WHEREAS, the American Public Works Association (“APWA”) has concluded, through *APWA’s Mid-Atlantic Regional Council’s “Public Right-of-Way” Cost Recovery Plan* (May 1998), that cutting a street decreases the lifecycle of the street;

WHEREAS, the Office of Transportation is responsible for permitting and inspecting all work in the right-of-way, and ensuring that all repairs are constructed according to specific standards; and

WHEREAS, each year, the Department of Public Works permits over 1,500 street cuts with the typical size being approximately three (3) square yards; and

WHEREAS, mitigation of the long-term damage associated with pavement cuts has frequently resulted in a significant budgetary impact to the Department of Public Works for which the City has not established a cost recovery mechanism; and

WHEREAS, the cost incurred due to degradation should be recaptured through a recommended cost recovery method that includes various street construction costs, type of material used to repair, and age components; and

WHEREAS, APWA’s Mid-Atlantic Regional Council’s “Public Right-of-Way Cost Recovery Plan (May 1998) recommends that repair costs due to intrusions into the public right-of-way should be the responsibility of the intruding party; and

WHEREAS, the Department of Public Works wishes to institute and impose a cost recovery mechanism on applicants requesting to perform street cuts, based on the age of the street; and

WHEREAS, The Department of Public Works proposes to charge all applicants for permits which involve pavement cutting a degradation fee based upon type and size of the cut, current milling and resurfacing costs; and

WHEREAS, the Commissioner of the Department of Public Works recommends the creation of a Pavement Degradation Recovery Fee (“PDR Fee”) as an appropriate cost recovery mechanism to reimburse the city for the damage associated with pavement cuts to be used for City Street Maintenance and Resurfacing Programs.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 138-69 of the Atlanta City Code is hereby amended by deleting Section 138-69 in its entirety and replacing said section so that it reads as follows:

Sec. 138-69. Rehabilitation and restoration of the pavement

- (a) Whenever any person or contractor desires to cut or make an opening in any street, such person shall repair and restore the street, including milling and resurfacing, to the specifications of the Department of Public Works.
- (b) Fees for rehabilitation and restoration of pavement
  - 1. Any person or contractor making a cut on any street shall be responsible for a Pavement Degradation Recovery Fee based on the below formula:

**PDR Fee = Cost of resurfacing/Repair \* Area of Influence \* Depreciation Rate**

Average cost of contractor resurfacing asphalt	\$44.22/sq yd
Average cost of contractor street repair concrete	\$675.00/sq yd
Average street cut size	\$2.78/sq yd
Area of influence equals street cut size plus 3 feet on each side of cut	\$6.11/sq yd
Life Cycle of Asphalt Street - 20 years	Life Cycle of Concrete Street - 40

years

2. The Pavement Degradation Recovery Fees for both Asphalt Surfaced Streets and Concrete Surfaced Streets shall be established pursuant to the schedules below:

Degradation Fees Schedule for Asphalt Surfaced Streets (Per Square Yard)

<b>Age of Street (Years)</b>	<b>Depreciation Rate (%)</b>	<b>Fee (per SY)</b>
0	100	270.18
1	99	267.48
2	98	264.80
3	97	262.09
4	96	259.39
5	95	256.69
6	90	243.18
7	84	226.97
8	79	213.46
9	74	199.95
10	68	183.74
11	63	170.23
12	58	156.72
13	52	140.50
14	47	126.99
15	42	113.48
16	36	97.27
17	31	83.76
18	26	70.25
19	20	54.04
20	15	40.53

Degradation Fees Schedule for Concrete Surfaced Streets (Per Square Yard)

<b>Age of Street (Years)</b>	<b>Depreciation Rate (%)</b>	<b>Fee (per SY)</b>
0	100	675.00
1	99	668.25
2	98	661.50
3	97	654.75
4	96	648.00
5	95	641.25
6	93	627.75

7	90	607.50
8	88	594.00
9	86	580.50
10	84	567.00
11	81	546.75
12	79	533.25
13	77	519.75
14	74	499.50
15	72	486.00
16	70	472.50
17	68	459.00
18	65	438.75
19	63	425.25
20	61	411.75
21	58	391.50
22	56	378.00
23	54	364.50
24	52	351.00
25	49	330.75
26	47	317.25
27	45	303.75
28	42	283.50
29	40	270.00
30	38	256.50
31	36	243.00
32	33	222.75
33	31	209.25
34	29	195.75
35	26	175.50
36	24	162.00
37	22	148.50
38	20	135.00
39	17	114.75
40	15	101.25

Section 2: That this Ordinance will become effective July 1, 2014.

Section 3: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

14-O-1242

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 138, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III, "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY", AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY PERMITS; AND FOR OTHER PURPOSES.**

**(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by the NPUs)**

**Workflow List:**

Santana K. Wright	Completed	04/30/2014 4:39 PM
Rita Braswell	Completed	04/30/2014 5:10 PM
Richard Mendoza	Completed	05/01/2014 2:47 PM
Stefanie Grant	Completed	05/01/2014 3:33 PM
Mayor's Office	Completed	05/01/2014 4:13 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:42 PM
City Utilities Committee	Completed	05/13/2014 9:30 AM
Atlanta City Council	Completed	05/19/2014 1:00 PM
City Utilities Committee	Completed	05/27/2014 9:30 AM
Atlanta City Council	Completed	06/02/2014 1:00 PM
City Utilities Committee	Completed	06/10/2014 9:30 AM
Atlanta City Council	Completed	06/16/2014 1:00 PM
City Utilities Committee	Completed	06/24/2014 9:30 AM
Atlanta City Council	Completed	07/07/2014 1:00 PM
City Utilities Committee	Completed	07/15/2014 9:30 AM
Atlanta City Council	Completed	07/21/2014 1:00 PM
City Utilities Committee	Completed	07/29/2014 9:30 AM
Atlanta City Council	Completed	08/18/2014 1:00 PM
City Utilities Committee	Completed	08/26/2014 9:30 AM
Atlanta City Council	Completed	09/02/2014 1:00 PM
City Utilities Committee	Completed	09/09/2014 9:30 AM
Atlanta City Council	Completed	09/15/2014 1:00 PM
City Utilities Committee	Completed	09/23/2014 9:30 AM
Atlanta City Council	Completed	10/06/2014 1:00 PM
City Utilities Committee	Completed	10/14/2014 9:30 AM
Atlanta City Council	Completed	10/20/2014 1:00 PM
City Utilities Committee	Completed	10/28/2014 9:30 AM
Atlanta City Council	Completed	11/03/2014 1:00 PM
City Utilities Committee	Completed	11/10/2014 9:30 AM
Atlanta City Council	Completed	11/17/2014 1:00 PM
City Utilities Committee	Completed	11/24/2014 9:30 AM
Atlanta City Council	Completed	12/01/2014 1:00 PM
City Utilities Committee	Completed	12/09/2014 9:30 AM

Last Updated: 10/14/15

14-O-1242

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Atlanta City Council	Completed	01/05/2015 1:00 PM
City Utilities Committee	Completed	01/13/2015 9:30 AM
Atlanta City Council	Completed	01/20/2015 1:00 PM
City Utilities Committee	Completed	01/27/2015 9:30 AM
Atlanta City Council	Completed	02/02/2015 1:00 PM
City Utilities Committee	Completed	02/10/2015 9:30 AM
Atlanta City Council	Completed	02/17/2015 1:00 PM
City Utilities Committee	Completed	02/24/2015 9:30 AM
Atlanta City Council	Completed	03/02/2015 1:00 PM
City Utilities Committee	Completed	03/16/2015 10:15 AM
Atlanta City Council	Completed	03/16/2015 1:00 PM
City Utilities Committee	Completed	03/24/2015 9:30 AM
Atlanta City Council	Completed	04/20/2015 1:00 PM
City Utilities Committee	Completed	04/28/2015 9:30 AM
Atlanta City Council	Completed	05/04/2015 1:00 PM
City Utilities Committee	Completed	05/12/2015 9:30 AM
Atlanta City Council	Completed	05/18/2015 1:00 PM
City Utilities Committee	Completed	05/26/2015 9:30 AM
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City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
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Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
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Atlanta City Council	Completed	02/15/2016 1:00 PM
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Atlanta City Council	Completed	04/18/2016 1:00 PM
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Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
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Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
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Atlanta City Council	Completed	08/15/2016 1:00 PM
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Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

05/13/14	City Utilities Committee	
05/19/14	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 5/27/2014 9:30 AM</b>
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Archibong, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>ABSENT:</b>	Michael Julian Bond, Ivory Lee Young Jr., Cleta Winslow, Alex Wan	

05/27/14	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/2/2014 1:00 PM</b>
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06/02/14	Atlanta City Council	REFERRED AS HELD
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<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 6/10/2014 9:30 AM</b>
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06/10/14	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/16/2014 1:00 PM</b>
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06/16/14	Atlanta City Council	REFERRED AS HELD
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<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 6/24/2014 9:30 AM</b>
06/24/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/7/2014 1:00 PM</b>
07/07/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 7/15/2014 9:30 AM</b>
07/15/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/21/2014 1:00 PM</b>
07/21/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 7/29/2014 9:30 AM</b>
07/29/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/18/2014 1:00 PM</b>
08/18/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 8/26/2014 9:30 AM</b>
08/26/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/2/2014 1:00 PM</b>
09/02/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 9/9/2014 9:30 AM</b>
09/09/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/15/2014 1:00 PM</b>
09/15/14	Atlanta City Council	REFERRED AS HELD
<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 9/23/2014 9:30 AM</b>
09/23/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/6/2014 1:00 PM</b>
10/06/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/14/2014 9:30 AM</b>
10/14/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/20/2014 1:00 PM</b>
10/20/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/28/2014 9:30 AM</b>
10/28/14	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/3/2014 1:00 PM</b>
11/03/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/10/2014 9:30 AM</b>
11/10/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/17/2014 1:00 PM</b>
11/17/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/24/2014 9:30 AM</b>
11/24/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/1/2014 1:00 PM</b>
12/01/14	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/9/2014 9:30 AM</b>
12/09/14	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/5/2015 1:00 PM</b>
01/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/13/2015 9:30 AM</b>
01/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/20/2015 1:00 PM</b>
01/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/27/2015 9:30 AM</b>
01/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/2/2015 1:00 PM</b>
02/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/10/2015 9:30 AM</b>
02/10/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/17/2015 1:00 PM</b>
02/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/24/2015 9:30 AM</b>
02/24/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/2/2015 1:00 PM</b>
03/02/15	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/16/2015 10:15 AM</b>
03/16/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
03/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/24/2015 9:30 AM</b>
03/24/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/20/2015 1:00 PM</b>
04/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/28/2015 9:30 AM</b>
04/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/4/2015 1:00 PM</b>
05/04/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/12/2015 9:30 AM</b>
05/12/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/18/2015 1:00 PM</b>
05/18/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/26/2015 9:30 AM</b>
05/26/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/1/2015 1:00 PM</b>
06/01/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/9/2015 9:30 AM</b>
06/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
06/15/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/23/2015 9:30 AM</b>
06/23/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
07/06/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/14/2015 9:30 AM</b>
07/14/15	City Utilities Committee	

07/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/28/2015 9:30 AM</b>
07/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/17/2015 1:00 PM</b>
08/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/25/2015 9:30 AM</b>
08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/15/2015 9:30 AM</b>
09/15/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/21/2015 1:00 PM</b>
09/21/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
Mayor's Action	

*See Authentication Page Attachment*

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: April 25, 2014

Anticipated Committee Meeting Date(s): TBD - FY 2015 Budget

Anticipated Full Council Date: TBD - FY 2015 Budget

Legislative Counsel's Signature: Stefanie Grant *Stefanie Grant*

Commissioner's Signature: *[Signature]*

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 138, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III, "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY", AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT OF WAY PERMITS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date)

Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: Jamice Osei 4/25/14 (date)

Reviewed by: *[Signature]* (date)

Submitted to Council: \_\_\_\_\_ (date)

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 138, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III, “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY”, AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT OF WAY PERMITS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) is charged with maintaining control of and access to the Right of Way in order to protect the health, safety, and welfare of the City’s residents and visitors; and

**WHEREAS**, construction and excavation in the City streets significantly interferes with public use and results in a negative impact on air quality, a loss of parking, and in a loss of business to merchants; and

**WHEREAS**, construction in and the excavation of paved streets significantly degrades and shortens the service life of such streets; and

**WHEREAS**, substantial public funds have been invested to build, maintain and repair city streets;

**WHEREAS**, pavement cuts lead to the reduced structural life of paved streets due to intrusion into the road base, and also increases the frequency and cost to the public of necessary resurfacing, maintenance and repair, regardless of the quality of restoration; and

**WHEREAS**, the American Public Works Association (“APWA”) has concluded, through *APWA’s Mid-Atlantic Regional Council’s “Public Right-of-Way” Cost Recovery Plan* (May 1998), that cutting a street decreases the lifecycle of the street;

**WHEREAS**, the Office of Transportation is responsible for permitting and inspecting all work in the right-of-way, and ensuring that all repairs are constructed according to specific standards; and

**WHEREAS**, each year, the Department of Public Works permits over 1,500 street cuts with the typical size being approximately three (3) square yards; and

**WHEREAS**, mitigation of the long-term damage associated with pavement cuts has frequently resulted in a significant budgetary impact to the Department of Public Works for which the City has not established a cost recovery mechanism; and

**WHEREAS**, the cost incurred due to degradation should be recaptured through a recommended cost recovery method that includes various street construction costs, type of material used to repair, and age components; and

WHEREAS, APWA's Mid-Atlantic Regional Council's "Public Right-of-Way Cost Recovery Plan (May 1998) recommends that repair costs due to intrusions into the public right-of-way should be the responsibility of the intruding party; and

WHEREAS, the Department of Public Works wishes to institute and impose a cost recovery mechanism on applicants requesting to perform street cuts, based on the age of the street; and

WHEREAS, The Department of Public Works proposes to charge all applicants for permits which involve pavement cutting a degradation fee based upon type and size of the cut, current milling and resurfacing costs; and

WHEREAS, the Commissioner of the Department of Public Works recommends the creation of a Pavement Degradation Recovery Fee ("PDR Fee") as an appropriate cost recovery mechanism to reimburse the city for the damage associated with pavement cuts to be used for City Street Maintenance and Resurfacing Programs.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**Section 1:** That Section 138-69 of the Atlanta City Code is hereby amended by deleting Section 138-69 in its entirety and replacing said section so that it reads as follows:

**Sec. 138-69. Rehabilitation and restoration of the pavement**

- (a) Whenever any person or contractor desires to cut or make an opening in any street, such person shall repair and restore the street, including milling and resurfacing, to the specifications of the Department of Public Works.
- (b) Fees for rehabilitation and restoration of pavement
  - 1. Any person or contractor making a cut on any street shall be responsible for a Pavement Degradation Recovery Fee based on the below formula:

**PDR Fee = Cost of resurfacing/Repair \* Area of Influence \* Depreciation Rate**

Average cost of contractor resurfacing asphalt	\$44.22/sq yd
Average cost of contractor street repair concrete	\$675.00/sq yd
Average street cut size	\$2.78/sq yd
Area of influence equals street cut size plus 3 feet on each side of cut	\$6.11/sq yd
Life Cycle of Asphalt Street – 20 years	
Life Cycle of Concrete Street – 40 years	

- 2. The Pavement Degradation Recovery Fees for both Asphalt Surfaced Streets and Concrete Surfaced Streets shall be established pursuant to the schedules below:

**Degradation Fees Schedule for Asphalt Surfaced Streets (Per Square Yard)**

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

Age of Street (Years)	Depreciation Rate (%)	Fee (per SY)
0	100	270.18
1	99	267.48
2	98	264.80
3	97	262.09
4	96	259.39
5	95	256.69
6	90	243.18
7	84	226.97
8	79	213.46
9	74	199.95
10	68	183.74
11	63	170.23
12	58	156.72
13	52	140.50
14	47	126.99
15	42	113.48
16	36	97.27
17	31	83.76
18	26	70.25
19	20	54.04
20	15	40.53

**Degradation Fees Schedule for Concrete Surfaced Streets (Per Square Yard)**

Age of Street (Years)	Depreciation Rate (%)	Fee (per SY)
0	100	675.00
1	99	668.25
2	98	661.50
3	97	654.75
4	96	648.00
5	95	641.25
6	93	627.75
7	90	607.50
8	88	594.00
9	86	580.50

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

10	84	567.00
11	81	546.75
12	79	533.25
13	77	519.75
14	74	499.50
15	72	486.00
16	70	472.50
17	68	459.00
18	65	438.75
19	63	425.25
20	61	411.75
21	58	391.50
22	56	378.00
23	54	364.50
24	52	351.00
25	49	330.75
26	47	317.25
27	45	303.75
28	42	283.50
29	40	270.00
30	38	256.50
31	36	243.00
32	33	222.75
33	31	209.25
34	29	195.75
35	26	175.50
36	24	162.00
37	22	148.50
38	20	135.00
39	17	114.75
40	15	101.25

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

**Section 2:** That this Ordinance will become effective July 1, 2014.

**Section 3:** That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**A. To be completed by Legislative Counsel:**

**Caption:**

**AN ORDINANCE TO AMEND CHAPTER 138, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III, CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY, AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A STREET CUT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT OF WAY PERMITS; AND FOR OTHER PURPOSES.**

**Committee of Purview: City Utilities Committee**

**Committee Meeting Date: TBD- FY 2015 Budget**

**Council Meeting Date: TBD – FY 2015 Budget**

**Requesting Dept.: Department of Public Works**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

To institute a cost recovery mechanism to companies for street cuts based on the age of the street.

**2. Please provide background information regarding this legislation.**

DPW is responsible for the management of the Right-of-Way. The Office of Transportation is responsible for permitting & inspecting all work in the right-of-way and ensuring all repairs are constructed according to our standards.

Each year, DPW permits over 1500 street cuts. The typical size of each cut is approximately 3 square yards.

The American Public Works Association (APWA) has concluded through various studies that cutting a street decreases the lifecycle of the street. The cost incurred due to degradation (loss of road life due to intrusion into the road surface) should be recaptured through a recommended cost recovery method that includes various street construction cost and age components. *APWA's Mid-Atlantic Regional Council's "Public Right-of-Way" Cost Recovery Plan* (May 1998) recommends that repair costs due to intrusions into the public right-of-way should be the responsibility of the intruding party.

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

**3. If Applicable/Known:**

- (a) **Contract Type:** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Department Organization/Account Function/Activity:**

1001.130301.3442707.4210000

**5. Source of Funds:**

Payments received from companies that cut into city streets.

**6. Fiscal Impact:**

Approximately \$100,000 per year.

**7. Method of Cost Recovery:**

Fee for payment

**This Legislative Request Form Was Prepared By:** *Rita Braswell*

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

DEPARTMENTAL AUTHORIZATION

A handwritten signature in black ink, appearing to read "Stephanie Hand". The signature is written in a cursive style with a large initial 'S'.

Attachment: Pavement Degradation Recovery Fee (14-O-1242 : Pavement Degradation Recovery Fee)

**AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 “ENVIRONMENT”, ARTICLE VI “FLOOD AREA REGULATIONS”, AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.(HELD 4/28/15 FOR A WORK SESSION)**

WHEREAS, the City of Atlanta was required to adopt and administer Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* or an equally floodplain management ordinance; and

WHEREAS, various sections of Chapter 74 “Environment”, Article VI “Flood Area Regulations” were amended in the Code of Ordinances to comply with conditions necessary to participate in the National Flood Insurance Program as required by the Federal Emergency Management Agency per the Atlanta City Council adopting Ordinance 13-O-1021 on May 20, 2013; and

WHEREAS, Sections 74-206.1, 74-206.2, and 74-206.3 were created to permit construction and land development in historically modified floodplains in a manner that minimized the risk to life and property from flooding of homes and businesses by placing reasonable restrictions and limitations on such development; and

WHEREAS, Section 74-203 defines a historically modified floodplain as an area, in a combined sewershed, in which significant portions of the historic “natural” stream have been enclosed in a pipe; and

WHEREAS, the City’s requirement for placing fill in historically modified floodplain areas is more restrictive than those outlined in the Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* and places hardship on many property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

**SECTION 1:** That Chapter 74, Article VI, Section 74-206.1(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.1 - Single-family structures in a historically modified floodplain area.

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 2: That Chapter 74, Article VI, Section 74-206.2(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.2 - Multifamily structures in a historically modified floodplain area.

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 3: That Chapter 74, Article VI, Section 74-206.3(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.3 - Non-residential structures in a historically modified floodplain area.

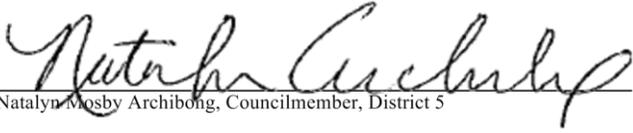
- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 4: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed only to the extent of conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1148

**SPONSOR SIGNATURES**



Natalyn Mosby Archibong, Councilmember, District 5

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1148

**AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 "ENVIRONMENT", ARTICLE VI "FLOOD AREA REGULATIONS", AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.(HELD 4/28/15 FOR A WORK SESSION)**

**Workflow List:**

Clerk of Council	Completed	04/21/2015 4:37 PM
Atlanta City Council	Completed	04/20/2015 1:00 PM
City Utilities Committee	Completed	04/28/2015 9:30 AM
Atlanta City Council	Completed	05/04/2015 1:00 PM
City Utilities Committee	Completed	05/12/2015 9:30 AM
Atlanta City Council	Completed	05/18/2015 1:00 PM
City Utilities Committee	Completed	05/26/2015 9:30 AM
Atlanta City Council	Completed	06/01/2015 1:00 PM
City Utilities Committee	Completed	06/09/2015 9:30 AM
Atlanta City Council	Completed	06/15/2015 1:00 PM
City Utilities Committee	Completed	06/23/2015 9:30 AM
Atlanta City Council	Completed	07/06/2015 1:00 PM
City Utilities Committee	Completed	07/14/2015 9:30 AM
Atlanta City Council	Completed	07/20/2015 1:00 PM
City Utilities Committee	Completed	07/28/2015 9:30 AM
Atlanta City Council	Completed	08/17/2015 1:00 PM
City Utilities Committee	Completed	08/25/2015 9:30 AM
Atlanta City Council	Completed	09/08/2015 1:00 PM
City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM

Last Updated: 10/14/15

15-O-1148

Page 4 of



<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/26/2015 9:30 AM</b>
05/26/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/1/2015 1:00 PM</b>
06/01/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/9/2015 9:30 AM</b>
06/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
06/15/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/23/2015 9:30 AM</b>
06/23/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
07/06/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/14/2015 9:30 AM</b>
07/14/15	City Utilities Committee	
07/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/28/2015 9:30 AM</b>
07/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/17/2015 1:00 PM</b>
08/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/25/2015 9:30 AM</b>
08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/15/2015 9:30 AM</b>
09/15/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/21/2015 1:00 PM</b>
09/21/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

15-O-1148

AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 "ENVIRONMENT", ARTICLE VI "FLOOD AREA REGULATIONS", AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

AN ORDINANCE BY  
COUNCILMEMBER NATALYN M. ARCHIBONG



**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 “ENVIRONMENT”, ARTICLE VI “FLOOD AREA REGULATIONS”, AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta was required to adopt and administer Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* or an equally floodplain management ordinance; and

**WHEREAS**, various sections of Chapter 74 “Environment”, Article VI “Flood Area Regulations” were amended in the Code of Ordinances to comply with conditions necessary to participate in the National Flood Insurance Program as required by the Federal Emergency Management Agency per the Atlanta City Council adopting Ordinance 13-O-1021 on May 20, 2013; and

**WHEREAS**, Sections 74-206.1, 74-206.2, and 74-206.3 were created to permit construction and land development in historically modified floodplains in a manner that minimized the risk to life and property from flooding of homes and businesses by placing reasonable restrictions and limitations on such development; and

**WHEREAS**, Section 74-203 defines a historically modified floodplain as an area, in a combined sewershed, in which significant portions of the historic “natural” stream have been enclosed in a pipe; and

**WHEREAS**, the City’s requirement for placing fill in historically modified floodplain areas is more restrictive than those outlined in the Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* and places hardship on many property owners.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That Chapter 74, Article VI, Section 74-206.1(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

**Sec. 74-206.1 – Single-family structures in a historically modified floodplain area.**

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

**SECTION 2:** That Chapter 74, Article VI, Section 74-206.2(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

**Sec. 74-206.2 – Multifamily structures in a historically modified floodplain area.**

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

**SECTION 3:** That Chapter 74, Article VI, Section 74-206.3(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

**Sec. 74-206.3 – Non-residential structures in a historically modified floodplain area.**

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed only to the extent of conflict.

K.24.a

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(Do Not Write Above This Line)	First Reading		FINAL COUNCIL ACTION
	Committee _____ Date _____ Chair _____ Referred To _____		<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
AN ORDINANCE BY <i>Natalyn M. Archibong</i> COUNCILMEMBER NATALYN M. ARCHIBONG  AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 "ENVIRONMENT", ARTICLE VI "FLOOD AREA REGULATIONS", AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.	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
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 <sup>ST</sup> ADOPT 2 <sup>ND</sup> READ & REFER <input checked="" type="checkbox"/> PERSONAL PAPER REFER  Date Referred <i>4/20/15</i> Referred To: <i>City Utilities</i>  Date Referred _____ Referred To: _____  Date Referred: _____ Referred 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 _____	MAYOR'S ACTION

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.**

**(HELD 9/15/15) (HELD AT THE REQUEST OF THE DEPARTMENT)**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has identified, in connection with the Capital Improvement Program, the need to fund certain costs from the Watershed Reserves; and

WHEREAS, the Custer Avenue CSO Control Facility project will provide preliminary screening and additional screening facilities to remove floatable materials whenever excess flows are discharged via the overflow channel; and

WHEREAS, these funds should be transferred from the Watershed Reserves for Appropriations to facilitate the use of the funds for the Custer Avenue CSO Control Facility project.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2016 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$1,468,731.00</b>			
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Reserve Conversion Account</u>	<u>Accounting</u>	
5052	200101	5999901	1512000	

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$1,468,731.00</b>			
<b>PTAEO:</b>				
<u>Custer Avenue CSO Control Facility project</u>	<u>Screens</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17112252	101	505221391	5212001	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>DWM Sewer Linear Maint/Repair</u>	<u>Projects and Grants Budget</u>	<u>Sewage Collection &amp; Disposal</u>	
5052	171002	5999999	4330000	
<u>Custer Avenue CSO Control Facility project</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>			
112252	21391			

Section 2: That appropriations in the Water & Wastewater Renewal & Extension Fund (5052) Budget be transferred as follows:

ADD TO AWARD INSTALLMENT

<b>The amount of:</b>	<b>\$1,468,731.00</b>	<u>R&amp;E Water &amp; Wastewater Fund</u>		
		505221391		

Section 3: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1369

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.**

**(Held 9/15/15) (Held at the request of the Department)**

**Workflow List:**

Jo Ann Macrina	Completed	08/13/2015 2:42 PM
Finance	Completed	08/13/2015 4:49 PM
Patrick McShane	Completed	08/13/2015 5:34 PM
Mayor's Office	Completed	08/13/2015 5:45 PM
Office of Research and Policy Analysis	Completed	08/18/2015 12:04 PM
City Utilities Committee	Completed	08/25/2015 9:30 AM
Atlanta City Council	Completed	09/08/2015 1:00 PM
Atlanta City Council	Completed	09/08/2015 1:00 PM
City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM

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Last Updated: 11/10/15

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City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [13 TO 0]</b>	<b>Next: 9/15/2015 9:30 AM</b>
<b>AYES:</b>	Bond, Norwood, Dickens, Hall, Young Jr., Winslow, Archibong, Wan, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>ABSENT:</b>	Howard Shook	
<b>AWAY:</b>	Carla Smith	

09/15/15	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/21/2015 1:00 PM</b>
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09/21/15	Atlanta City Council	RETURNED AS HELD
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<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
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09/29/15	City Utilities Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Maisha Land

Contact Number: 404-546-3625

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: August 7, 2015

Anticipated Committee Meeting Date(s): August 25, 2015

Anticipated Full Council Date: September 8, 2015

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature] PN

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any) (\$1,468,731.00 )  
Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: UMD 8/7/15  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview: City Utilities Committee

**Caption: AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.**

Council Meeting Date: September 8, 2015

Requesting Dept.: Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to authorize the CFO to amend the FY 2016 Budget Water and Wastewater Renewal and Extension Fund (5052) in the amount of \$1,468,731.00 to transfer funds from Watershed Reserve for Appropriation and add to Appropriation funds for the Custer Avenue CSO Control Facility project which will provide preliminary screening prior to the Department of Watershed Management discharges of excess flows. Additional screening facilities are required to remove floatable materials whenever excess flows are discharged via the overflow channel.

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

The City of Atlanta Department of Watershed Management has identified, in connection with the Capital Improvement Program (CIP), the need to fund certain costs from the Water and Wastewater Renewal and Extension Fund (5052) to facilitate projects.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A
- (b) Source Selection: N/A
- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center (Ex. Name and number): Various

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

FDOA: \$1,468,731; 5052 (DWM Water & Wastewater RNE Fund) 200101 (NDP Reservation of Funds Appropriations) 5999901 (Reserve Conversion Account) 1512000 (Accounting)

6. Fiscal Impact: N/A

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: N/A

*Examples:*

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Tamika Gray



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 MARIETTA STREET NW  
ATLANTA, GEORGIA 30303

Jo Ann J. Macrina, PE  
COMMISSIONER

**MEMORANDUM**

**TO:** Tamika Gray, Watershed Manager, Sr.,  
DWM – Bureau of Financial Administration

**FROM:** Demetris Johnson, Financial Manager  
DWM, Office of Engineering Service 

**DATE:** June 22, 2015

**SUBJECT:** FUNDS REQUEST FOR ADDITIONAL Screens for the Custer Avenue CSO Control Facility  
Project-Design/Build Package

This serves as a formal request to fund Additional Screens for the Custer Avenue CSO Control Facility Design/Build Package project. The deemed amount is \$1,468,731.

<b>PROJECT NAME</b>	<b>ADDITIONAL SCREENS FOR THE CUSTER AVENUE CSO CONTROL FACILITY PROJECT</b>
Funding Total	\$1,468,731 – Design
Start/Finish Time	September 2015 – September 2017
Project Details	The Custer Avenue CSO Control Facility is located at 780 Custer Avenue, SE. It receives wet weather flow from the Boulevard CSO Regulator weather, flows where it receives coarse screening and fine screening followed by dechlorination. Additional screening facilities are required to remove floatable materials whenever excess flows are discharged via the overflow channel.

Should you need additional information to precede with this request, please contact me at 404-546-1249.

**APPROVALS**



Rob Bocarro, Director, OES



Raymond Wilke, DC, OES

Cc: Mohamed Balla, DC, Bureau of Financial Administration  
Uche Chioke, Project Manager



## OES- CAPITAL PROJECTS MANAGEMENT DIVISION

## PROJECT INFORMATION OVERVIEW

**PROJECT NAME:** Additional Screens for the Custer Avenue CSO Control Facility

**WBS #:** W.01.02.0100

**PROJECT MANAGER NAME:** Uche Chioke

**PROJECT JUSTIFICATION:** The Custer Avenue CSO Control Facility is located at 780 Custer Avenue, SE. It receives wet weather flow from the Boulevard CSO Regulator. Flows up to 500 million gallons per day (mgd) enter the Custer CSO facility where it receives coarse screening and fine screening followed by dechlorination. The screened flow is then routed to Intrenchment Creek. Whenever the screening capacity of the Custer CSO Facility or the storage capacity in the connecting tunnel to the East Area Treatment Plant is exceeded, excess flows are diverted around the Custer CSO facility to Intrenchment Creek via tipping weirs and a concrete overflow basin.

The City wants to provide preliminary screening prior to watershed discharges of these excess flows. In order to accomplish this, mechanical screens will be required within the concrete overflow basin to remove floatables that are discharged over the tipping weirs. Screens will also be required to remove floatables in the adjacent Stockade Creek channel, which carries stormwater flows only.

The City anticipates that a Design-Build type procurement will be used to expedite the design and construction process.

**PROJECT SCOPE:** This project will comprise two phases:

**Phase 1 Feasibility Study:** In the first phase, a study will be performed by an A/E to determine the feasibility of additional screening facilities at the Custer Avenue CSO Control Facility. The A/E will collect record information about the CSO facility, conduct site visits and interview OWTR staff responsible for operation and maintenance of the facility. The A/E will perform an evaluation of screening options, including a method for collection and disposal of screenings. A hydrologic and hydraulic model will be prepared to evaluate the peak water stages before and after a 25-year design storm. The A/E will conclude the feasibility study by preparing a technical memorandum describing the viable screening options and list the project requirements and constraints. The technical memorandum will include conceptual drawings for each viable option.

**Phase 2 Development of Design/Build Package:** In the second phase, the A/E will be responsible for the development of a preliminary design of the screening option selected by the City from the Phase 1 Feasibility Study. The preliminary design will be used to prepare a Design-Build procurement for the following facilities at Custer Avenue CSO Facility: 1) Screens for the excess flows over the tipping weirs; 2) Screens for the stormwater flow in the Stockade Creek channel; 3) Screening conveyance and handling system for both sets of screens; 4) Building or building extensions to house screens and conveyance facilities. The A/E will be responsible for Design-Build procurement support, office engineering services during construction and construction management.

**DESIGN ANALYSIS/CONCERNS:** During the feasibility study, the evaluation of the screening options needs to consider potential odor and noise impacts on the community and potential mitigation measures. The hydrologic and hydraulic analysis needs to consider the potential impacts on the upstream catchment as a consequence of the design storm. The A/E will need to develop options which do not result in upstream or downstream flooding.



OES- CAPITAL PROJECTS MANAGEMENT DIVISION

**CONSTRUCTION ANALYSIS/CONCERNS:** N/A.

**COMMUNICATION HIGHLIGHTS:** This project will impact the neighborhood in the vicinity of the Custer Avenue CSO Facility, located within the Council District of Carla Smith.  
A Public Information Officer (PIO) will be assigned to the project by the Office of Customer and Business Services. Upon assignment, the PIO will implement and execute a project specific communications plan.

**PROJECT STATUS:** Under Phase 1, the feasibility study will commence in June 2015. Phase 2, which involves the Development of Design/Build package will not commence until after completion of the feasibility study and preferred screening option has been selected by the City.

**PROJECT SCHEDULE:** The anticipated schedule for Phase 1 and 2 is given below:

Feasibility Study Task Order NTP:	June 25, 2015
Feasibility Study Completion:	October 30, 2015
Date of Notice of Intent Letter for DB Phase:	September 22, 2015
Completion of DB Design:	May 27, 2016
Construction NTP:	October 1, 2016
Substantial Completion:	September 30, 2017

**PROJECT COSTS:**

Feasibility study	\$ 153,356
Development of DB Package: Design and CM services	\$ 1,468,731
Construction	\$20,000,000

		First Reading		FINAL COUNCIL ACTION	
		Committee _____ Date _____ Chair _____ Referred To _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
AN ORDINANCE BY CITY UTILITIES COMMITTEE  AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (\$052) BUDGET IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-ONE DOLLARS AND ZERO CENTS (\$1,468,731.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO THE LISTED CUSTER AVENUE CSO CONTROL FACILITY PROJECT; AND FOR OTHER PURPOSES.		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 _____	<b>CERTIFIED</b>  <b>MAYOR'S ACTION</b>	
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 <sup>ST</sup> ADOPT 2 <sup>ND</sup> READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____					

**AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD AS SUBSTITUTED BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 130 “SOLID WASTE MANAGEMENT,” ARTICLE III “MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS,” DIVISION 1 “GENERALLY,” SECTION 130-84 “RATES AND CHARGES” IN ORDER TO DELETE SUBSECTION 8 “VACANT PARCELS”; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 9/29/15) (HELD AT THE REQUEST OF THE DEPARTMENT FOR ADDITIONAL REVIEW)**

WHEREAS, The City of Atlanta (the “City”) currently collects a solid waste fee on vacant properties under Chapter 130-84 that is based upon the zoning designation of the property; and

WHEREAS, unfortunately, vacant properties that do not generate solid waste are also charged set fees for solid waste; and

WHEREAS, it is the desire of the Atlanta City Council to only impose a solid waste fee on occupied properties in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That Chapter 130 “Solid Waste Management”, Article III “Municipal Collection and Disposal Systems”, Division 1 “Generally”, Section 130-84 “Rates and Charges” of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 130-84 - Rates and charges.

The following rates and charges are hereby established for solid waste collection and shall become effective July 1, 2003:

- (1) *Residential rate:* \$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.
- (2) *Duplex or triplex rate:* As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.
- (3) *Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates:* \$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.
  - a. \$307.19 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from individual containers, garbage cans or bags;
  - b. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from industrial containers;

- c. Where the multi-family dwelling units or apartments are located in building structures with incinerator[s], duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as hereinafter defined, the amount shall be \$53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be \$122.79 per year for each dwelling unit; for the purpose of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;
- d. \$54.87 per year for each dwelling unit to which collection and removal services are made available to collect garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwelling units.
- (4) *Residential backyard removal*: \$962.21 per year.
- (5) *Mobile home parks*:
- a. Individual garbage cans: \$193.35 per year.
- b. Installed industrial containers: \$479.42 per year. See subsection (7).
- (6) *Commercial and industrial rates*:
- a. \$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;
- b. \$3.70 per foot of street frontage for property located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);
- c. \$2.89 per foot of street frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);
- d. \$0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.
- (7) *Public property charge for services that have been contracted*: A flat charge of \$479.42 per year for each parcel in lieu of the frontage charge. For public housing charges, see subsection (3)a.-d. For government buildings garbage collection, see surcharges, subsection (6).
- ~~(8) *Vacant parcels*: A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments and other multi-family dwellings to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).~~
- (8) *Building of public worship rate*: \$1.26 per square foot of paved street frontage to cover street cleaning and rubbish collection costs; \$0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of \$208.59 per year for solid waste collection from individual containers, garbage cans or bags, or a charge of \$183.37 per year if the solid waste collection is from industrial containers.
- (9) *Minimum; private landfill site and transfer station operations*: A minimum of \$1.10 per ton payable to the city by all private landfill site operations and transfer station operations and transfer station operation located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits.

As required by O.C.G.A § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid waste management purposes.

- (10) *Corner lots:* Properties located on corner lots with two or more street frontages will be charged based on the footage of the street frontage which is the legal address of the property.
- (11) *Special collections:* Any property otherwise addressed in subsections (1) through (9) of this section, either requesting or requiring special collection equipment or methods where normal curbside collection or backyard collection of solid waste or recyclables is not feasible, shall be subject to an additional fee of \$200.00 annually.

CITY COUNCIL  
ATLANTA, GEORGIA

15-O-1431

SPONSOR SIGNATURES

  
Mary Norwood, Councilmember, Post 2 At-Large

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1431

**AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD AS SUBSTITUTED BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 130 “SOLID WASTE MANAGEMENT,” ARTICLE III “MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS,” DIVISION 1 “GENERALLY,” SECTION 130-84 “RATES AND CHARGES” IN ORDER TO DELETE SUBSECTION 8 “VACANT PARCELS”; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 9/29/15) (HELD AT THE REQUEST OF THE DEPARTMENT FOR ADDITIONAL REVIEW)**

**Workflow List:**

Clerk of Council	Completed	09/22/2015 11:41 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM
City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM

Last Updated: 10/14/15

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Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

09/21/15 Atlanta City Council REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

15-O-1431

AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD AS SUBSTITUTED BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 130 "SOLID WASTE MANAGEMENT," ARTICLE III "MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS," DIVISION 1 "GENERALLY," SECTION 130-84 "RATES AND CHARGES" IN ORDER TO DELETE SUBSECTION 8 "VACANT PARCELS"; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

(Do Not Write Above This Line)

AN ORDINANCE BY  
COUNCIL MEMBER MARY NORWOOD

AN ORDINANCE TO AMEND  
CHAPTER 130 "SOLID WASTE  
MANAGEMENT," ARTICLE III  
"MUNICIPAL COLLECTION AND  
DISPOSAL SYSTEMS," DIVISION 1  
"GENERALLY," SECTION 130-84  
"RATES AND CHARGES" IN ORDER  
TO DELETE SUBSECTION 8  
"VACANT PARCELS"; AND FOR  
OTHER PURPOSES.

First Reading

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

FINAL COUNCIL ACTION

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings

Consent  V Vote  RC Vote

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

Committee

Date

Chair

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

Members

Refer To

MAYOR'S ACTION

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

9/21/15  
City Utilities

Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred:  
Referred To:

**AN ORDINANCE BY  
COUNCIL MEMBER MARY NORWOOD**

**AN ORDINANCE TO AMEND CHAPTER 130 “SOLID WASTE MANAGEMENT,”  
ARTICLE III “MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS,” DIVISION 1  
“GENERALLY,” SECTION 130-84 “RATES AND CHARGES” IN ORDER TO  
DELETE SUBSECTION 8 “VACANT PARCELS”; AND FOR OTHER PURPOSES.**

**WHEREAS,** The City of Atlanta (the “City”) currently collects a fee for solid waste fee on vacant properties under Chapter 130-84 that is based upon the zoning designation of the property; and

**WHEREAS,** unfortunately, vacant properties that do not generate solid waste are also charged set fees for solid waste; and

**WHEREAS,** it is the desire of the Atlanta City Council to only impose a solid waste fee on occupied properties in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
ATLANTA, GEORGIA,** as follows:

**Section 1.** That Chapter 130 “Solid Waste Management”, Article III Municipal Collection and Disposal Systems”, Division 1 “Generally”, Section 130-84 “Rates and Charges” *currently reads:*

(8) Vacant parcels: A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments and other multi-family dwellings to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).

**Shall now read:**

(1) Residential rate: \$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.

(2) Duplex or triplex rate: As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.

(3) Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates: \$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.

A. \$307.19 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from individual containers, garbage cans or bags;

B. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from industrial containers;

(11) Special collections: Any property otherwise addressed in subsections (1) through (9) of this section, either requesting or requiring special collection equipment or methods where normal curbside collection or backyard collection of solid waste or recyclables is not feasible, shall be subject to an additional fee of \$200.00 annually.

**Section 2.** That all ordinances and part of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**AN ORDINANCE BY  
COUNCILMEMBER MARY NORWOOD**

**AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130 “SOLID WASTE MANAGEMENT,” ARTICLE III “MUNICIPAL COLLECTION AND DISPOSAL SYSTEMS,” DIVISION 1 “GENERALLY,” SECTION 130-84 “RATES AND CHARGES” IN ORDER TO DELETE SUBSECTION 8 “VACANT PARCELS”; AND FOR OTHER PURPOSES.**

**WHEREAS,** The City of Atlanta (the “City”) currently collects a solid waste fee on vacant properties under Chapter 130-84 that is based upon the zoning designation of the property; and

**WHEREAS,** unfortunately, vacant properties that do not generate solid waste are also charged set fees for solid waste; and

**WHEREAS,** it is the desire of the Atlanta City Council to only impose a solid waste fee on occupied properties in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** as follows:

**Section 1.** That Chapter 130 “Solid Waste Management”, Article III “Municipal Collection and Disposal Systems”, Division 1 “Generally”, Section 130-84 “Rates and Charges” of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

**Sec. 130-84 - Rates and charges.**

The following rates and charges are hereby established for solid waste collection and shall become effective July 1, 2003:

- (1) *Residential rate:* \$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.
- (2) *Duplex or triplex rate:* As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.
- (3) *Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates:* \$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.
  - a. \$307.19 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from individual containers, garbage cans or bags;

- b. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from industrial containers;
  - c. Where the multi-family dwelling units or apartments are located in building structures with incinerator[s], duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as hereinafter defined, the amount shall be \$53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be \$122.79 per year for each dwelling unit; for the purpose of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;
  - d. \$54.87 per year for each dwelling unit to which collection and removal services are made available to collect garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwelling units.
- (4) *Residential backyard removal*: \$962.21 per year.
- (5) *Mobile home parks*:
- a. Individual garbage cans: \$193.35 per year.
  - b. Installed industrial containers: \$479.42 per year. See subsection (7).
- (6) *Commercial and industrial rates*:
- a. \$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;
  - b. \$3.70 per foot of street frontage for property located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);
  - c. \$2.89 per foot of street frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);
  - d. \$0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.
- (7) *Public property charge for services that have been contracted*: A flat charge of \$479.42 per year for each parcel in lieu of the frontage charge. For public housing charges, see subsection (3)a.—d. For government buildings garbage collection, see surcharges, subsection (6).
- ~~(8) *Vacant parcels*: A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments and other multi family dwellings to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).~~
- (8) *Building of public worship rate*: \$1.26 per square foot of paved street frontage to cover street cleaning and rubbish collection costs; \$0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of \$208.59 per year for solid waste collection from individual containers, garbage

cans or bags, or a charge of \$183.37 per year if the solid waste collection is from industrial containers.

- (9) *Minimum; private landfill site and transfer station operations:* A minimum of \$1.10 per ton payable to the city by all private landfill site operations and transfer station operations and transfer station operation located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits.

As required by O.C.G.A § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid waste management purposes.

- (10) *Corner lots:* Properties located on corner lots with two or more street frontages will be charged based on the footage of the street frontage which is the legal address of the property.
- (11) *Special collections:* Any property otherwise addressed in subsections (1) through (9) of this section, either requesting or requiring special collection equipment or methods where normal curbside collection or backyard collection of solid waste or recyclables is not feasible, shall be subject to an additional fee of \$200.00 annually.

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.  
(HELD 12/15/15)**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has identified, in connection with the Capital Improvement Program, the need to fund certain costs from the Watershed Reserves for Appropriations; and

WHEREAS, the Linear Maintenance Contracts-A/E Services Project will provide assistance to the Department for administrative and inspection services during the course of construction associated with various linear maintenance contracts; and

WHEREAS, these funds should be transferred from the Watershed Reserves for Appropriations to facilitate the use of the funds for the Linear Maintenance Contracts-A/E Services Project.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2016 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$5,000,000.00</b>			
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Reserve Conversion Account</u>	<u>Accounting</u>	
5052	200101	5999901	1512000	

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$5,000,000.00</b>			
<b>PTAEO:</b>				
<u>OLIO Linear Maint.</u>	<u>CMS</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>Consulting</u>	<u>City of Atlanta</u>
17112310	101	505221391	5212001	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>DWM Buried Infrastructure Administration</u>	<u>Projects and Grants Budget</u>	<u>Water Administration</u>	
5052	171001	5999999	4410000	
<u>OLIO Linear Maint.</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>			
17112310	21391			

Section 2: That appropriations in the Water & Wastewater Renewal & Extension Fund (5052) Budget be transferred as follows:

ADD TO AWARD INSTALLMENT

<b>The amount of:</b>	<b>\$5,000,000.00</b>	<u>R&amp;E Water &amp; Wastewater Fund</u>		
		505221391		

Section 3: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1548

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.**

**(Held 12/15/15)**

**Workflow List:**

Cristi Walker	Completed	11/12/2015 5:21 PM
Jo Ann Macrina	Completed	11/13/2015 9:20 AM
Finance	Completed	11/13/2015 10:25 AM
Patrick McShane	Completed	11/13/2015 11:36 AM
Mayor's Office	Completed	11/13/2015 12:08 PM
Office of Research and Policy Analysis	Completed	11/17/2015 5:05 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM
City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM

City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

12/01/15 City Utilities Committee ACCEPTED

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>	<b>Next: 12/7/2015 1:00 PM</b>
<b>AYES:</b>	Archibong, Adrean, Dickens, Shook, Wan	
<b>ABSENT:</b>	Ivory Lee Young Jr., Joyce Sheperd	

12/07/15 Atlanta City Council REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 12/15/2015 9:30 AM</b>
<b>AYES:</b>	Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>EXCUSED:</b>	Michael Julian Bond	

12/15/15 City Utilities Committee HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 1/4/2016 1:00 PM</b>
<b>AYES:</b>	Archibong, Adrean, Sheperd, Shook, Wan	
<b>ABSENT:</b>	Ivory Lee Young Jr., Andre Dickens	

01/04/16 Atlanta City Council RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
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01/12/16 City Utilities Committee HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
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01/19/16 Atlanta City Council RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
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01/26/16 City Utilities Committee HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 6, 2015

Anticipated Committee Meeting Date(s): December 15, 2015

Anticipated Full Council Date: January 4, 2016

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Chief Financial Officer's Signature: \_\_\_\_\_

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/6/15 [Signature]  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.

**Council Meeting Date:** December 1, 2015 – 1<sup>st</sup> Read; January 4, 2016 – 2<sup>nd</sup> Read

**Requesting Dept.:** Department of Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to authorize the CFO to amend the FY 2016 Budget Water and Wastewater Renewal and Extension Fund (5052) in the amount of **\$5,000,000.00** to transfer funds from Watershed Reserves for Appropriations and add to Appropriations funds for:

Linear Maintenance Contracts-A/E Services Project to provide assistance to the Department of Watershed Management for administrative and inspection services during the course of construction associated with various linear maintenance contracts.

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

The City of Atlanta, Department of Watershed Management has identified, in connection with the Capital Improvement Program (CIP), the need to fund certain costs from the Water and Wastewater Renewal and Extension Fund (5052) to facilitate projects.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A
- (b) Source Selection: N/A
- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center (Ex. Name and number): Various

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

FDOA: \$5,000,000; 5052 (DWM Water & Wastewater RNE Fund) 200101 (NDP Reservation of Funds Appropriations) 5999901 (Reserve Conversion Account) 1512000 (Accounting)

6. Fiscal Impact: N/A

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: N/A

**Examples:**

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Tamika Gray



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 MARIETTA STREET NW  
ATLANTA, GEORGIA 30303

Jo Ann J. Macrina, PE  
COMMISSIONER

**MEMORANDUM**

**TO:** Tamika Gray, Watershed Manager, Sr.,  
DWM – Bureau of Financial Administration

**FROM:** Demetris Johnson, Financial Manager  
DWM, Office of Engineering Services 

**DATE:** October 9, 2015

**SUBJECT: FUNDS REQUEST FOR LINEAR MAINTENANCE CONTRACT - A/E SERVICES**

This serves as a special funding request to fund professional services to assist Department of Watershed Management.

<b>PROJECT NAME</b>	<b>LINEAR MAINTENANCE CONTRACTS – A/E SERVICES</b>
Funding Total	\$5,000,000.00 – CM Services
Start/Finish Time	December 2015 – December 2016
Project Details	This request is for professional services from an A/E Joint Venture to provide assistance to the Department of Watershed Management (DWM) for administrative management and inspection services throughout construction associated with various linear maintenance contracts. The scope of services include, but is not limited to review and monitoring of construction methods and schedules, construction testing, review of contractor’s shop drawings and submittals, conducting inspections of all construction based on approved specifications, as-built development and monitoring, pay application review and approval, inspection and verification of stored materials, change orders review, management of punch list items and observation of construction to ensure design compliance.

Should you need additional information to precede with this request, please contact me at 404-546-1249.

**APPROVALS**

  
Lyonel François, Director, OES

 10/9/15  
Robert A. Bocarro, Interim DC, OES

Cc: Mohamed Balla, DC, Bureau of Financial Administration



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristi C. Walker

Contact Number: 404-546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 6, 2015

Anticipated Committee Meeting Date(s): December 15, 2015

Anticipated Full Council Date: January 4, 2016

Legislative Counsel's Signature: *Patricia A. [Signature]*

Commissioner's Signature: *[Signature]*

Chief Financial Officer's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2016 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVES FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LINEAR MAINTENANCE CONTRACTS-A/E SERVICES PROJECTS; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 11/6/15 *[Signature]*  
(date)

Reviewed by: *[Signature]*  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**AN ORDINANCE BY COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG AS AMENDED BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES .(HELD 12/1/15)**

WHEREAS, it is the stated goal of the City of Atlanta to expand pedestrian and bicycle facilities as a transportation alternative to the single occupancy vehicle mode of travel and to increase the pedestrian and bicycle linkages that support mass transit; and

WHEREAS, the Atlanta Bicycle Coalition (“Encroaching Party”) desire to install a bicycle corral near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia to be located in the public right-of-way; and

WHEREAS, the City of Atlanta’s (“City”) Code of Ordinances at Sections 138-20, 138-22, and 138-24, require that an Encroachment Agreement be entered into between the City and the Encroaching Party for authorization to allow the Encroaching Party to install the bicycle corral in the public right-of-way and for authorization for the Encroaching Party to continue to maintain the bicycle corral in the public right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works will review the plans for the encroachment agreement and will determine that the bicycle corral will not adversely impact the ability of the affected right-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and

WHEREAS, the Encroaching Party desires to install and maintain the bicycle corral; and

WHEREAS, the Encroaching Party has agreed to conform to conditions set out in the City’s Code of Ordinances at Sections 138-20, 138-24, and 138-24.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Mayor or his designee is authorized, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for Nonconforming Uses (the “Encroachment Agreement”), as outlined in Section 138, Article II, of the City's Code of Ordinances with the Encroaching Party for the purpose of granting to the Encroaching Party the right to install and to thereafter maintain a bicycle corral in the public right-of-way near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia as depicted in Exhibit “A” hereto attached, in a form and pursuant to the conditions

determined by the Commissioner of the Department of Public Works and the City Attorney, to be desirable, appropriate and in the best interest of the City of Atlanta for this transaction.

SECTION 2: That the requirement of Section 138-20(a) of the City of Atlanta Code of Ordinances, which requires an initial \$1,300.00 permit fee be waived for purposes of this ordinance only.

SECTION 3: That the Encroaching Party shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said bicycle corral and such indemnification shall be set forth in the Encroachment Agreement.

SECTION 4: That the Encroaching Party shall comply with the conditions set out at Sections 138-20, 138-22, and 138-24 of the City's Code of Ordinances.

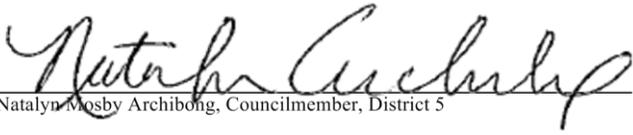
SECTION 5: That the City Attorney is directed to prepare an Encroachment Agreement, acceptable as to form, for execution by the Mayor and the Encroaching Party.

SECTION 6: That the Encroachment Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the Encroaching Party.

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1562

**SPONSOR SIGNATURES**



Natalyn Mosby Archibong, Councilmember, District 5

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-O-1562

**AN ORDINANCE BY COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG AS AMENDED BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES .(HELD 12/1/15)**

**Workflow List:**

Clerk of Council	Completed	11/18/2015 11:05 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
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Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
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City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM

Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

11/16/15 Atlanta City Council REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
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11/21/16

Atlanta City Council

RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>
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15-O-1562

AN ORDINANCE BY COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG AS AMENDED BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES .

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

AN ORDINANCE BY *Natalyn Archibong*  
COUNCILMEMBER NATALYN ARCHIBONG

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, it is the stated goal of the City of Atlanta to expand pedestrian and bicycle facilities as a transportation alternative to the single occupancy vehicle mode of travel and to increase the pedestrian and bicycle linkages that support mass transit; and

WHEREAS, the Atlanta Bicycle Coalition ("Encroaching Party") desire to install a bicycle corral near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia to be located in the public right-of-way; and

WHEREAS, the City of Atlanta's ("City") Code of Ordinances at Sections 138-20, 138-22, and 138-24, require that an Encroachment Agreement be entered into between the City and the Encroaching Party for authorization to allow the Encroaching Party to install the bicycle corral in the public right-of-way and for authorization for the Encroaching Party to continue to maintain the bicycle corral in the public right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works will review the plans for the encroachment agreement and will determine that the bicycle corral will not adversely impact the ability of the affected right-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and

WHEREAS, the Encroaching Party desires to install and maintain the bicycle corral; and

WHEREAS, the Encroaching Party desires to install and maintain the Sign; and

WHEREAS, the Encroaching Party has agreed to conform to conditions set out in the City's Code of Ordinances at Sections 138-20, 138-24, and 138-24.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

**SECTION 1:** That the Mayor or his designee is authorized, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for Nonconforming Uses (the "Encroachment Agreement"), as outlined in Section 138, Article II, of the City's Code of Ordinances with the Encroaching Party for the purpose of granting to the Encroaching Party the right to install and to thereafter maintain a bicycle corral in the public right-of-way near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia as depicted in Exhibit "A" hereto attached, in a form and pursuant to the conditions determined by the Commissioner of the Department of Public

Attachment: 30 1984 HOSEA WILLIAM DRIVE (15-O-1562 : 1984 HOSEAL L WILLIAMS DRIVE NE)

Works and the City Attorney, to be desirable, appropriate and in the best interest of the City of Atlanta for this transaction.

**SECTION 2:** That the requirement of Section 138-20(a) of the City of Atlanta Code of Ordinances, which requires an initial \$1,300.00 permit fee be waived for purposes of this ordinance only.

**SECTION 3:** That the Encroaching Party shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said bicycle corral and such indemnification shall be set forth in the Encroachment Agreement.

**SECTION 4:** That the Encroaching Party shall comply with the conditions set out at Sections 138-20, 138-22, and 138-24 of the City's Code of Ordinances.

**SECTION 5:** That the City Attorney is directed to prepare an Encroachment Agreement, acceptable as to form, for execution by the Mayor and the Encroaching Party.

**SECTION 6:** That the Encroachment Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the Encroaching Party.

Attachment: 30 1984 HOSEA WILLIAM DRIVE (15-O-1562 : 1984 HOSEAL L WILLIAMS DRIVE NE)

	First Reading	FINAL COUNCIL ACTION
(Do Not Write Above This Line)	Committee _____	<input type="checkbox"/> 2 <sup>d</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>d</sup> <input type="checkbox"/> 3 <sup>rd</sup>
	Date _____	Readings
	Chair _____	<input type="checkbox"/> Consent <input type="checkbox"/> VVote <input type="checkbox"/> RCVote
	Referred To _____	

AN ORDINANCE BY  
COUNCILMEMBER NATALYN  
ARCIBONG

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

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

CERTIFIED

CONSENT REFER

REPORT REFER

ADVERTISE & REFER

1ST ADOPT 2ND READ & REFER

PERSONAL PAPER REFER

Date Referred Referred To: \_\_\_\_\_

Date Referred Referred To: \_\_\_\_\_

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

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

MAYOR'S ACTION

Attachment: 30 1984 HOSEA WILLIAM DRIVE (15-O-1562 : 1984 HOSEA L WILLIAMS DRIVE NE)

# COMMITTEE AMENDMENT FORM

DATE: Tuesday, December 1, 2015

Committee: City Utilities PAGE #'S: \_\_\_\_\_

Ordinance # 15-O-1562 SECTION(S): \_\_\_\_\_

Resolution # \_\_\_\_\_ PARAGRAPH \_\_\_\_\_

Amends the legislation to add Exhibit A and the Encroachment Agreement Checklist.

Attachment: 15-R-1562 (Amendment Form) (15-O-1562 : 1984 HOSEAL L WILLIAMS DRIVE NE)

**15-O-1562**

**AN ORDINANCE BY  
COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG  
AS AMENDED BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES .**

**WHEREAS**, it is the stated goal of the City of Atlanta to expand pedestrian and bicycle facilities as a transportation alternative to the single occupancy vehicle mode of travel and to increase the pedestrian and bicycle linkages that support mass transit; and

**WHEREAS**, the Atlanta Bicycle Coalition (“Encroaching Party”) desire to install a bicycle corral near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia to be located in the public right-of-way; and

**WHEREAS**, the City of Atlanta’s (“City”) Code of Ordinances at Sections 138-20, 138-22, and 138-24, require that an Encroachment Agreement be entered into between the City and the Encroaching Party for authorization to allow the Encroaching Party to install the bicycle corral in the public right-of-way and for authorization for the Encroaching Party to continue to maintain the bicycle corral in the public right-of-way; and

**WHEREAS**, the Commissioner of the Department of Public Works will review the plans for the encroachment agreement and will determine that the bicycle corral will not adversely impact the ability of the affected right-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and

**WHEREAS**, the Encroaching Party desires to install and maintain the bicycle corral; and

**WHEREAS**, the Encroaching Party has agreed to conform to conditions set out in the City’s Code of Ordinances at Sections 138-20, 138-24, and 138-24.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the Mayor or his designee is authorized, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for Nonconforming Uses (the “Encroachment Agreement”), as outlined in Section 138, Article II, of the City's Code of Ordinances with the Encroaching Party for the purpose of granting to the Encroaching Party the right to install and to thereafter maintain a bicycle corral in the public right-of-way near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia as depicted in Exhibit “A” hereto attached, in a form and pursuant to the conditions determined by the Commissioner of the Department of Public Works and the City Attorney, to be desirable, appropriate and in the best interest of the City of

Atlanta for this transaction.

**SECTION 2:** That the requirement of Section 138-20(a) of the City of Atlanta Code of Ordinances, which requires an initial \$1,300.00 permit fee be waived for purposes of this ordinance only.

**SECTION 3:** That the Encroaching Party shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said bicycle corral and such indemnification shall be set forth in the Encroachment Agreement.

**SECTION 4:** That the Encroaching Party shall comply with the conditions set out at Sections 138-20, 138-22, and 138-24 of the City's Code of Ordinances.

**SECTION 5:** That the City Attorney is directed to prepare an Encroachment Agreement, acceptable as to form, for execution by the Mayor and the Encroaching Party.

**SECTION 6:** That the Encroachment Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the Encroaching Party.





3'

25'

Attachment: 15-O-1562 (Bicycle Corral Exhibit A) (15-O-1562 : 1984 HOSEAL L WILLIAMS DRIVE NE)

**AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG JR., AUTHORIZING THE RENAMING OF MOREHOUSE DRIVE, N. W. FROM MORRIS BROWN AVENUE TO SPELLMAN STREET TO REVEREND R.B. SUTTON PLACE BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR HIS DESIGNEE; AND FOR OTHER PURPOSES.(HELD 4/26/16) (HELD FOR A PUBLIC HEARING)**

WHEREAS, an application by the Dixie Hills First Baptist Church (the "Applicant") will be filed with the Commissioner of the Department of Public Works (the "Application") requesting that Morehouse Drive, N.W from Morris Brown Avenue to Spellman Street be renamed to Reverend R.B. Sutton Place in honor of the religious leader of Dixie Hills First Baptist Church, Reverend. R.B. Sutton (the "Honoree"); and

WHEREAS, Section 138-8 of the City of Atlanta Code of Ordinances requires that living honorees must have reached the age of 75 at the time of the Application; and

WHEREAS, Section 138-8 of the City of Atlanta Code of Ordinances requires that the Application meet certain criteria, such as including the signatures of 75% of the residents residing on the street to which the street renaming applies, before it can be further processed; and

WHEREAS, the Application will be submitted with signatures of residents residing on the street to which the street renaming applies and purports to meet the 75% requirement; and

WHEREAS, the Commissioner of the Department of Public Works or his designee (the "Commissioner") must verify the validity of the petition and its accompanying signatures and must fulfill the remaining requirements of Code Section 138-8, including but not limited to notifications to the Atlanta Police and Fire Rescue Departments, Neighborhood Planning Units, and other affected public agencies; and

WHEREAS, the Commissioner and other City agencies must ensure the Application is complete and that all conditions of Section 138-8 have been satisfied by the Applicant where such actions are required to be taken by the Applicant; and

WHEREAS, the authority of the City and its governing body to rename streets has been tested in *Goodman v. City of Atlanta*, 246 Ga. 79 (1980) and found to be within the authority granted to the City under its Charter;

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

Section 1: That Morehouse Drive, N.W. from Morris Brown Avenue to Spellman Street, be renamed to Reverend R.B Sutton Place upon a finding by the Commissioner of the Department of Public Works or his designee that the Application fully meets the requirements of City Code Section 138-8.

Section 2: That the Office of Transportation and other City agencies be and are authorized to ensure that the Application is complete and that all conditions of Section 138-8 have been satisfied by the Applicant where such actions are required to be taken by the Applicant.

Section 3: That the Office of Transportation and other City agencies be and are authorized to make such notifications of the passage of this Ordinance as required by City Code Section 138-8 or as otherwise necessary to implement the renaming of Morehouse Drive, N.W. from Morris Brown Avenue to Spellman Street, to Reverend R.B. Sutton Place.

Section 4: That the Office of Transportation and other City agencies be and are authorized to take such steps as are required by Section 138-8 or as otherwise necessary to implement the renaming Morehouse Drive, N.W., to Reverend R.B. Sutton Place.

Section 5: That this Ordinance will become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1183

SPONSOR SIGNATURES



Ivory Lee Younger, Councilmember District 3

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1183

**AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG JR., AUTHORIZING THE RENAMING OF MOREHOUSE DRIVE, N. W. FROM MORRIS BROWN AVENUE TO SPELLMAN STREET TO REVEREND R.B. SUTTON PLACE BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR HIS DESIGNEE; AND FOR OTHER PURPOSES.(HELD 4/26/16) (HELD FOR A PUBLIC HEARING)**

**Workflow List:**

Clerk of Council	Completed	04/19/2016 4:44 PM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

04/18/16	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE

16-O-1183

Last Updated: 06/23/16

Packet Pg. 444
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<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

16-O-1183

AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG JR., AUTHORIZING THE RENAMING OF MOREHOUSE DRIVE, N. W. FROM MORRIS BROWN AVENUE TO SPELLMAN STREET TO REVEREND R.B. SUTTON PLACE BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR HIS DESIGNEE; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**AN ORDINANCE BY  
COUNCILMEMBER IVORY L. YOUNG, JR.**



**AN ORDINANCE AUTHORIZING THE RENAMING OF MOREHOUSE DRIVE, N.W. FROM MORRIS BROWN AVENUE TO SPELLMAN STREET TO REVEREND R.B. SUTTON PLACE BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR HIS DESIGNEE; AND FOR OTHER PURPOSES.**

**WHEREAS**, an application by the Dixie Hills First Baptist Church (the "Applicant") will be filed with the Commissioner of the Department of Public Works (the "Application") requesting that Morehouse Drive, N.W from Morris Brown Avenue to Spellman Street be renamed to Reverend R.B. Sutton Place in honor of the religious leader of Dixie Hills First Baptist Church, Reverend. R.B. Sutton (the "Honoree"); and

**WHEREAS**, Section 138-8 of the City of Atlanta Code of Ordinances requires that living honorees must have reached the age of 75 at the time of the Application; and

**WHEREAS**, Section 138-8 of the City of Atlanta Code of Ordinances requires that the Application meet certain criteria, such as including the signatures of 75% of the residents residing on the street to which the street renaming applies, before it can be further processed; and

**WHEREAS**, the Application will be submitted with signatures of residents residing on the street to which the street renaming applies and purports to meet the 75% requirement; and

**WHEREAS**, the Commissioner of the Department of Public Works or his designee (the "Commissioner") must verify the validity of the petition and its accompanying signatures and must fulfill the remaining requirements of Code Section 138-8, including but not limited to notifications to the Atlanta Police and Fire Rescue Departments, Neighborhood Planning Units, and other affected public agencies; and

**WHEREAS**, the Commissioner and other City agencies must ensure the Application is complete and that all conditions of Section 138-8 have been satisfied by the Applicant where such actions are required to be taken by the Applicant; and

**WHEREAS**, the authority of the City and its governing body to rename streets has been tested in *Goodman v. City of Atlanta*, 246 Ga. 79 (1980) and found to be within the authority granted to the City under its Charter;

**NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:**

**Section 1:** That Morehouse Drive, N.W. from Morris Brown Avenue to Spellman Street, be renamed to Reverend R.B Sutton Place upon a finding by the Commissioner of the Department of Public Works or his designee that the Application fully meets the requirements of City Code Section 138-8.

**Section 2:** That the Office of Transportation and other City agencies be and are authorized to ensure that the Application is complete and that all conditions of Section 138-8 have been satisfied by the Applicant where such actions are required to be taken by the Applicant.

**Section 3:** That the Office of Transportation and other City agencies be and are authorized to make such notifications of the passage of this Ordinance as required by City Code Section 138-8 or as otherwise necessary to implement the renaming of Morehouse Drive, N.W. from Morris Brown Avenue to Spellman Street, to Reverend R.B. Sutton Place.

**Section 4:** That the Office of Transportation and other City agencies be and are authorized to take such steps as are required by Section 138-8 or as otherwise necessary to implement the renaming Morehouse Drive, N.W., to Reverend R.B. Sutton Place.

**Section 5:** That this Ordinance will become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

(Do Not Write Above This Line)

AN ORDINANCE BY  
COUNCILMEMBER IVORY L.  
YOUNG, JR.

AN ORDINANCE AUTHORIZING  
THE RENAMING OF MOREHOUSE  
DRIVE, N.W. FROM MORRIS  
BROWN AVENUE TO SPELLMAN  
STREET TO REVEREND R.B. SUT-  
TON PLACE BY AND THROUGH AC-  
TIONS OF THE COMMISSIONER  
OF THE DEPARTMENT OF PUBLIC  
WORKS OR HIS DESIGNEE; AND  
FOR OTHER PURPOSES.

First Reading

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

Committee

Date

Chair

Action

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

Members

Refer To

Refer To

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

CERTIFIED

MAYOR'S ACTION

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

Date Referred 4/18/16

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

**AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 138 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY,” SECTION 138-72, “BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL.” OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES. (HELD 8/23/16 AT THE REQUEST OF THE DEPARTMENT)**

WHEREAS, it is the stated policy of the City of Atlanta (“City”) to protect the health, safety and welfare of its residents; and

WHEREAS, the Atlanta City Council (“Council”) unanimously adopted Resolution 14-R-4374 on January 5, 2015, and on January 6, 2015 the Mayor approved the Resolution, which called for a Special Election on March 17, 2015 asking voters to authorize the issuance of a \$250,000,000.00 General Obligation Bond (“Renew Atlanta Bond Program”); and

WHEREAS, the Renew Atlanta Bond Program was subsequently authorized by the voters with projects that include maintenance activities, demolition and construction of new or replacement structures and bridges; and

WHEREAS, the structural integrity of bridges, viaducts, and other structures in the City is important to the safety of the public; and

WHEREAS, the Council has determined that it is in the best interest of the City to acquire, construct, reconstruct, renovate, repair, improve, and provide critical capital maintenance and equipment for public streets, traffic control infrastructure and equipment, bridges, viaducts and related public improvements; and

WHEREAS, Chapter 138 of the City of Atlanta Code of Ordinances (“Code”) provides only one inch clearance between the sidewalk and structures; and

WHEREAS, it is necessary for Chapter 138 of the Code to be revised in order to bring the Code in line with the Department of Public Works standards for the construction and maintenance of bridges, viaducts, and other structures in the City of Atlanta.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Chapter 138, Article III, Section 138-72, of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Chapter 138 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

### Article III - CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY

Section 138-72. - Building adjoining viaduct, bridge or tunnel.

(a) Bearing upon or against viaduct, bridge or tunnel. No portion of a building adjoining a viaduct, bridge or tunnel shall bear upon or against the viaduct, bridge or tunnel structure, but a space of not less than ~~one inch~~ twenty (20) feet shall be left open between the sidewalk and the structure and then filled with an approved expansion joint material.

(b) Responsibility for damages. Any and all damages to streets, on either level, or damage to bridge, viaduct or tunnel structures caused by the contractor or by the contractor's employees must be repaired immediately at no cost to the city and to the satisfaction of the commissioner of public works.

SECTION 2: The amendments in this ordinance shall become effective immediately upon approval.

SECTION 3: Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SECTION 4: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 138, not deleting any such references, but amending them to include this ordinance.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1417

**AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 138 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY,” SECTION 138-72, “BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL.” OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.**

**(Held 8/23/16 at the request of the Department)**

**Workflow List:**

Kajara Anderson	Completed	07/15/2016 9:14 AM
Richard Mendoza	Completed	07/15/2016 9:16 AM
Mayor's Office	Completed	07/15/2016 11:33 AM
Office of Research and Policy Analysis	Completed	07/20/2016 11:51 AM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

07/26/16	City Utilities Committee	
08/15/16	Atlanta City Council	REFERRED TO COMMITTEE

16-O-1417

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 8/23/2016 9:30 AM</b>
<b>MOVER:</b>	Alex Wan, Councilmember, District 6	
<b>SECONDER:</b>	Yolanda Adrean, Councilmember, District 8	
<b>AYES:</b>	Bond, Norwood, Dickens, Smith, Hall, Winslow, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
<b>ABSENT:</b>	Ivory Lee Young Jr., Natalyn Mosby Archibong	
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 9/6/2016 1:00 PM</b>
<b>MOVER:</b>	Howard Shook, Vice Chair	
<b>SECONDER:</b>	Clarence "C. T." Martin, Councilmember, District 10	
<b>AYES:</b>	Archibong, Martin, Adrean, Dickens, Shook, Wan, Sheperd	
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD

**RESULT:        RETURNED AS HELD****Next: 11/29/2016 9:30 AM**

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Kajara Anderson

Contact Number: (404) 330-6596

Originating Department: Department of Public Works

Committee(s) of Purview: CITY UTILITIES COMMITTEE

Chief of Staff Deadline: July 8, 2016

Anticipated Committee Meeting Date(s): July 27, 2016

Anticipated Full Council Date: September 6, 2016

Legislative Counsel's Signature: [Signature]

for Commissioner's Signature: [Signature]

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: n/a

**CAPTION**

AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: \_\_\_\_\_  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.**

**WHEREAS**, it is the stated policy of the City of Atlanta ("City") to protect the health, safety and welfare of its residents; and

**WHEREAS**, the Atlanta City Council ("Council") unanimously adopted Resolution 14-R-4374 on January 5, 2015, and on January 6, 2015 the Mayor approved the Resolution, which called for a Special Election on March 17, 2015 asking voters to authorize the issuance of a \$250,000,000.00 General Obligation Bond ("Renew Atlanta Bond Program"); and

**WHEREAS**, the Renew Atlanta Bond Program was subsequently authorized by the voters with projects that include maintenance activities, demolition and construction of new or replacement structures and bridges; and

**WHEREAS**, the structural integrity of bridges, viaducts, and other structures in the City is important to the safety of the public; and

**WHEREAS**, the Council has determined that it is in the best interest of the City to acquire, construct, reconstruct, renovate, repair, improve, and provide critical capital maintenance and equipment for public streets, traffic control infrastructure and equipment, bridges, viaducts and related public improvements; and

**WHEREAS**, Chapter 138 of the City of Atlanta Code of Ordinances ("Code") provides only one inch clearance between the sidewalk and structures; and

**WHEREAS**, it is necessary for Chapter 138 of the Code to be revised in order to bring the Code in line with the Department of Public Works standards for the construction and maintenance of bridges, viaducts, and other structures in the City of Atlanta.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1:** That Chapter 138, Article III, Section 138-72, of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

**Chapter 138 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

**Article III - CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY**

Section 138-72. - Building adjoining viaduct, bridge or tunnel.

(a) Bearing upon or against viaduct, bridge or tunnel. No portion of a building adjoining a viaduct, bridge or tunnel shall bear upon or against the viaduct, bridge or tunnel structure, but a space of not less than ~~one inch~~ **twenty (20) feet** shall be left open between the sidewalk and the structure and then filled with an approved expansion joint material.

(b) Responsibility for damages. Any and all damages to streets, on either level, or damage to bridge, viaduct or tunnel structures caused by the contractor or by the contractor's employees must be repaired immediately at no cost to the city and to the satisfaction of the commissioner of public works.

**SECTION 2:** The amendments in this ordinance shall become effective immediately upon approval.

**SECTION 3:** Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

**SECTION 4:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 138, not deleting any such references, but amending them to include this ordinance.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Caption:**

**AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.**

**Committee of Purview: CITY UTILITIES COMMITTEE**

**Committee Meeting Date: July 12, 2016**

**Council Meeting Date: August 15, 2016**

**Requesting Dept.: Department of Public Works**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to revise Chapter 138 of the Code of Ordinances to bring the code in line with Department of Public Works and the construction and maintenance of bridges in the City of Atlanta.

**2. Please provide background information regarding this legislation.**

It is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents. The Atlanta City Council unanimously adopted Resolution 14-R-4374 on January 5, 2015, and on January 6, 2015 the Mayors approved the Resolution, which called for a Special Election on March 17, 2015 asking voters to authorize the issuance of a \$250,000,000.00 General Obligation Bond. The Renew Atlanta Bond Program was subsequently authorized by the voters with projects that include maintenance activities, demolition and construction of new or replacement structures and bridges. The structural integrity of bridges in the City is important to the safety of the public. The Council discloses that it is in the best interest of the City to acquire, construct, reconstruct, renovate, repair, improve, provide critical capital maintenance and equipment for public streets, traffic control infrastructure and equipment, bridges, viaducts and related public improvements.

**3. If Applicable/Known:**

- (a) Contract Type:**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

**4. Fund Department Account Center:****5. Source of Funds:****6. Fiscal Impact:****7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Michael Ayo**

16-O-

(Do Not Write Above This Line)

AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> 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

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  
 2<sup>nd</sup> Reading  
 1<sup>st</sup> & 2<sup>nd</sup> Reading  
 3<sup>rd</sup> Reading  
 Consent  
 V Vote  
 RC Vote

CERTIFIED

MAYOR'S ACTION

Refer To

Refer To

**AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE TO ABANDON THAT PORTION OF ADAMS DRIVE, N.W., LOCATED IMMEDIATELY SOUTH OF MARIETTA BOULEVARD, N.W., CONSISTING OF 11,476 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 230 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.(HELD 8/23/16 FOR A TENTATIVE PUBLIC HEARING SCHEDULED ON 9/27/16)**

WHEREAS, the City of Atlanta (the "City") has received a formal request from RaceTrac Petroleum, Inc., (the "Applicant") to abandon that portion of Adams Drive, N.W. located south of Marietta Boulevard, N.W. consisting of 11,476 square feet, more or less, as more particularly shown on the plat of survey attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Applicant agrees to compensate the City for the fair market value of the City's interest in the property proposed for abandonment; and

WHEREAS, the portion of Adams Drive, N.W. to be abandoned will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operated and provide all services and utilities associated with the abandoned property; and

WHEREAS, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portion of the right-of-way as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right of way.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That the portion of Adams Drive located south of Marietta Boulevard consisting of 11,476 square feet, more or less, and being more specifically described in the attached Exhibit "A", lying and being in land lot 230 of the 17th District, Fulton County, Georgia (the "Property"), is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2. That the City hereby expresses its intent to abandon said Property as hereinabove defined and depicted by Exhibit "A".

Section 3. That the provisions of Section 13 8-9(k) of the City of Atlanta Code of Ordinances are hereby waived, insofar as they conflict with this Ordinance.

Section 4. That the Applicant, an abutting property owner, has agreed to pay the fair market value of the Property as determined by an appraisal to be completed by the Chief Procurement Officer pursuant Section 2-1578 of the City of Atlanta Code of Ordinances.

Section 5. That the other two abutting property owners have consented to the Applicant's purchase of the entire Property.

Section 6. That any and all reservations for existing public or private utility facility agreements, as provided under the franchise laws and agreements, shall remain in effect for the purpose of entering the property to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated at which time said easements shall expire.

Section 7. That the Chief Procurement Officer has prepared an appraisal to determine the fair market value of the Property and performed all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 8. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the Property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

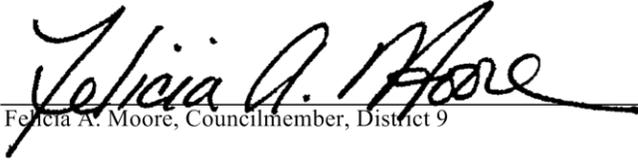
Section 9. That the Mayor or his designee be and is hereby authorized to execute a Quit Claim deed to convey any interest that the City may have in the abandoned Property.

Section 10. Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1425

SPONSOR SIGNATURES

  
Felicia A. Moore, Councilmember, District 9



<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

16-O-1425

AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE TO ABANDON THAT PORTION OF ADAMS DRIVE, N.W., LOCATED IMMEDIATELY SOUTH OF MARIETTA BOULEVARD, N.W., CONSISTING OF 11,476 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 230 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

AN ORDINANCE BY  
COUNCILMEMBER FELICIA MOORE

AN ORDINANCE TO ABANDON THAT PORTION OF ADAMS DRIVE, N.W., LOCATED IMMEDIATELY SOUTH OF MARIETTA BOULEVARD, N.W., CONSISTING OF 11,476 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 230 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

**WHEREAS**, the City of Atlanta (the "City") has received a formal request from RaceTrac Petroleum, Inc., (the "Applicant") to abandon that portion of Adams Drive, N.W. located south of Marietta Boulevard, N.W. consisting of 11,476 square feet, more or less, as more particularly shown on the plat of survey attached hereto and incorporated herein as Exhibit "A"; and

**WHEREAS**, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the Applicant agrees to compensate the City for the fair market value of the City's interest in the property proposed for abandonment; and

**WHEREAS**, the portion of Adams Drive, N.W. to be abandoned will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operated and provide all services and utilities associated with the abandoned property; and

**WHEREAS**, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portion of the right-of-way as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right of way.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1.** That the portion of Adams Drive located south of Marietta Boulevard consisting of 11,476 square feet, more or less, and being more specifically described in the attached Exhibit "A", lying and being in land lot 230 of the 17<sup>th</sup> District, Fulton County, Georgia (the "Property"), is hereby declared no longer useful or necessary for the public's use and convenience.

**Section 2.** That the City hereby expresses its intent to abandon said Property as hereinabove defined and depicted by Exhibit "A".

**Section 3.** That the provisions of Section 138-9(k) of the City of Atlanta Code of Ordinances are hereby waived, insofar as they conflict with this Ordinance.

**Section 4.** That the Applicant, an abutting property owner, has agreed to pay the fair market value of the Property as determined by an appraisal to be completed by the Chief Procurement Officer pursuant Section 2-1578 of the City of Atlanta Code of Ordinances.

**Section 5.** That the other two abutting property owners have consented to the Applicant's purchase of the entire Property.

**Section 6.** That any and all reservations for existing public or private utility facility agreements, as provided under the franchise laws and agreements, shall remain in effect for the purpose of entering the property to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated at which time said easements shall expire.

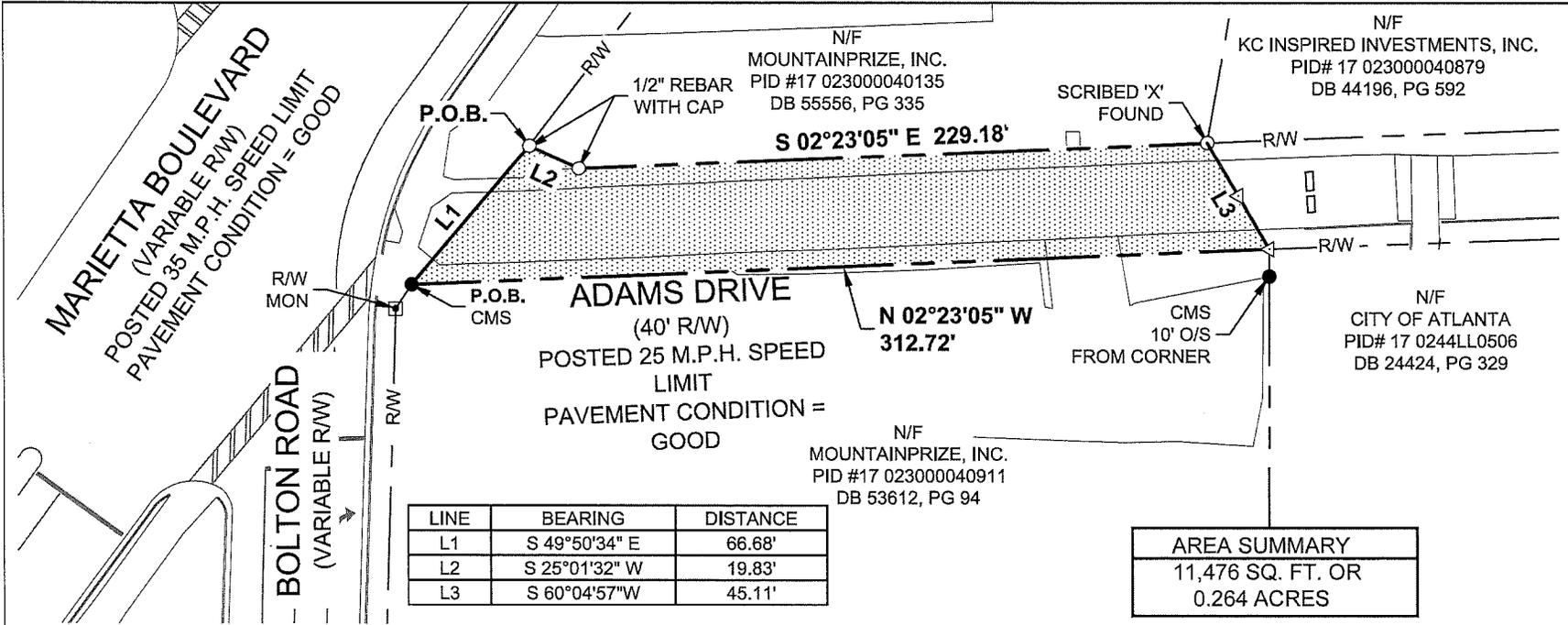
**Section 7.** That the Chief Procurement Officer has prepared an appraisal to determine the fair market value of the Property and performed all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

**Section 8.** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the Property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**Section 9.** That the Mayor or his designee be and is hereby authorized to execute a Quit Claim deed to convey any interest that the City may have in the abandoned Property.

**Section 10.** Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

EXHIBIT A



LINE	BEARING	DISTANCE
L1	S 49°50'34" E	66.68'
L2	S 25°01'32" W	19.83'
L3	S 60°04'57" W	45.11'

**AREA SUMMARY**  
11,476 SQ. FT. OR  
0.264 ACRES

CLIENT:  
**RACETRAC PETROLEUM, INC.**  
3225 CUMBERLAND BLVD,  
SUITE 100  
ATLANTA, GA 30339

DRAWN BY: SMF  
DESIGNED BY: DTW  
CHECKED BY: JAC

RIGHT-OF-WAY ABANDONMENT  
PORTION OF ADAMS DRIVE  
LAND LOT 230 - 17TH DISTRICT  
CITY OF ATLANTA, FULTON COUNTY, GEORGIA

SCALE: 1" = 60'

DATE: 08/03/2016

JOB NUMBER: 005025

**LECRAW**  
ENGINEERING  
3475 CORPORATE WAY - SUITE A  
DULUTH, GA 30096  
PHONE: 678.582.5555 FAX: 770.441.0286  
E.S.F. 001180

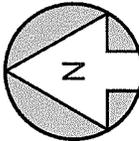
**LEGAL DESCRIPTION**

(RIGHT-OF-WAY ABANDONMENT)

ALL THAT PARCEL OF LAND LYING IN LAND LOT 230 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2" REBAR WITH CAP SET INSCRIBED LECRAW LSF 1160 AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MARIETTA BOULEVARD (VARIABLE RIGHT-OF-WAY) AND THE WESTERLY RIGHT-OF-WAY LINE OF ADAMS DRIVE (40' RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY LINE OF MARIETTA BOULEVARD SOUTH 49°50'34" EAST A DISTANCE OF 66.68 FEET TO A 1/2" REBAR FOUND AT THE NORTHEASTERLY END OF THE MITERED RIGHT-OF-WAY LINE AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MARIETTA BOULEVARD (VARIABLE RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF ADAMS DRIVE; THENCE FOLLOWING SAID MITER SOUTH 25°01'32" WEST A DISTANCE OF 19.83 FEET TO A 1/2" REBAR FOUND ON THE EASTERLY RIGHT-OF-WAY OF ADAMS DRIVE (40' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 02°23'05" EAST A DISTANCE OF 229.18 FEET TO A SCRIBED 'X' FOUND; THENCE DEPARTING SAID RIGHT-OF-WAY LINE OF ADAMS DRIVE, SOUTH 60°04'57" WEST A DISTANCE OF 45.11 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ADAMS DRIVE (40' RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY LINE OF ADAMS DRIVE, NORTH 02°23'05" WEST A DISTANCE OF 312.72 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 11,476 SQUARE FEET OR 0.264 ACRES.

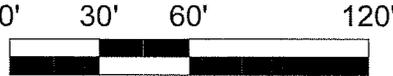


GRID NORTH  
(GA. WEST ZONE)  
NAD 83

**SYMBOL LEGEND**

- △ LINE INTERSECTION
- CMS - CORNER MONUMENT SET (1/2" REBAR)
- IRON PIN FOUND (1/2" REBAR)
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY

**GRAPHIC SCALE IN FEET**

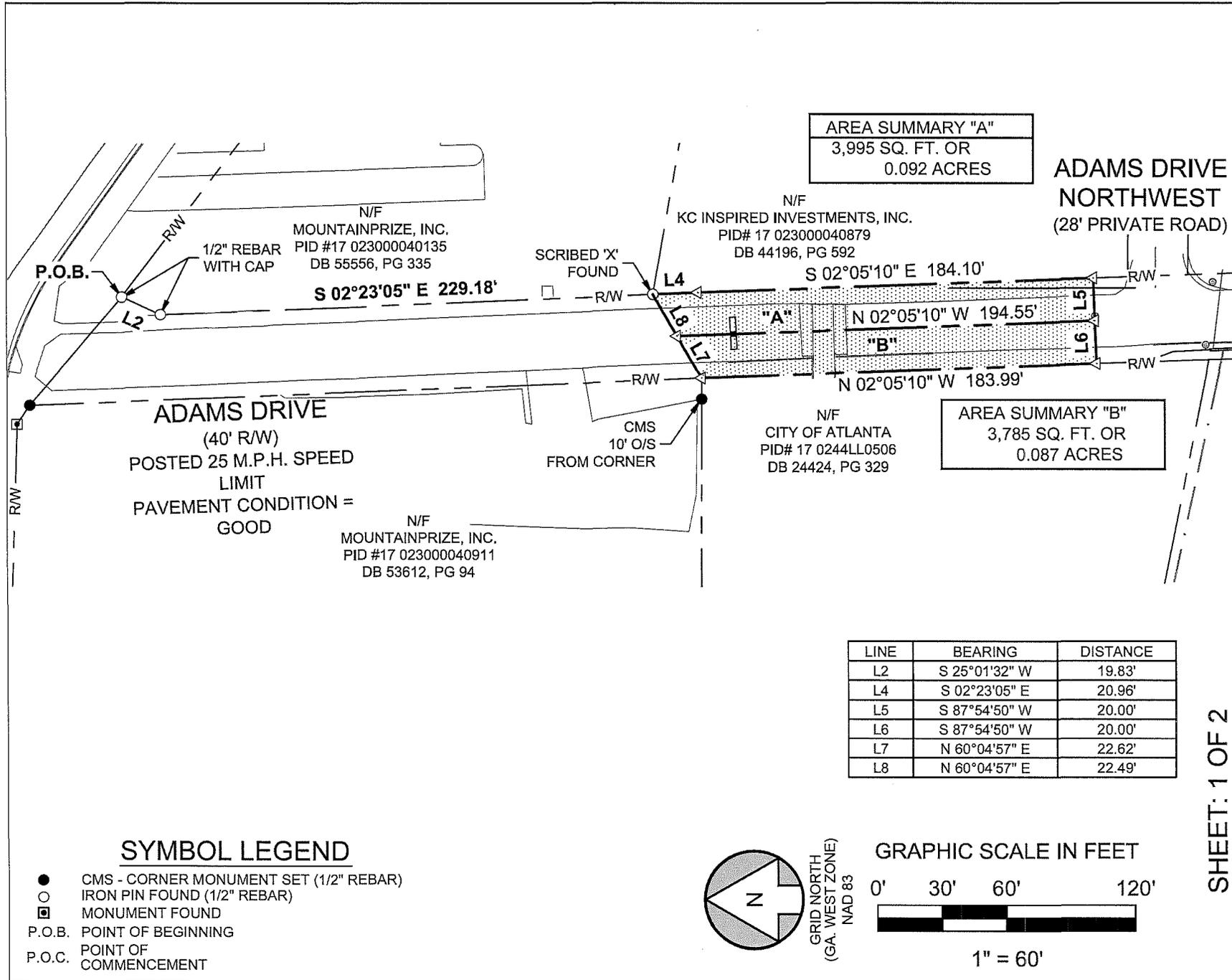


1" = 60'

SHEET: 1 OF 1

Attachment: 12 ADAMS DRIVE NW SOUTH OF MARIETTA ST (16-0-1425 : ADAMS DRIVE, NW AND

EXHIBIT A



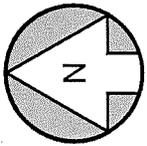
**AREA SUMMARY "A"**  
 3,995 SQ. FT. OR  
 0.092 ACRES

**AREA SUMMARY "B"**  
 3,785 SQ. FT. OR  
 0.087 ACRES

LINE	BEARING	DISTANCE
L2	S 25°01'32" W	19.83'
L4	S 02°23'05" E	20.96'
L5	S 87°54'50" W	20.00'
L6	S 87°54'50" W	20.00'
L7	N 60°04'57" E	22.62'
L8	N 60°04'57" E	22.49'

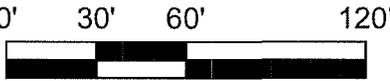
**SYMBOL LEGEND**

- CMS - CORNER MONUMENT SET (1/2" REBAR)
- IRON PIN FOUND (1/2" REBAR)
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



GRID NORTH  
 (GA. WEST ZONE)  
 NAD 83

GRAPHIC SCALE IN FEET



1" = 60'

SHEET: 1 OF 2

RIGHT-OF-WAY ABANDONMENT  
 PORTION OF THE EASTERLY SIDE OF ADAMS DRIVE  
 LAND LOT 230 - 17TH DISTRICT  
 CITY OF ATLANTA, FULTON COUNTY, GEORGIA

CLIENT:  
 RACETRAC PETROLEUM, INC.  
 3225 CUMBERLAND BLVD,  
 SUITE 100  
 ATLANTA, GA 30339

DRAWN BY: SMF  
 DESIGNED BY: DTW  
 CHECKED BY: JAC

JOB NUMBER: 005025  
 DATE: 08/03/2016  
 SCALE: 1" = 60'

**LECRAW**  
 ENGINEERING  
 3472 CORPORATE WAY, SUITE A  
 DULUTH, GA 30096  
 PHONE: 678-268-0100 FAX: 770-441-0286  
 C.S. 08105

Attachment: 12 ADAMS DRIVE NW SOUTH OF MARIETTA ST (16-O-1425 : ADAMS DRIVE, NW AND

FINAL COUNCIL ACTION

2<sup>nd</sup>     1<sup>st</sup>& 2<sup>nd</sup>     3<sup>rd</sup>  
 Readings  
 Consent     V Vote     RC Vote

First Reading

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

(Do Not Write Above This Line)

AN ORDINANCE BY *Felicia Moore*  
 COUNCILMEMBER FELICIA MOORE

AN ORDINANCE TO ABANDON THAT  
 PORTION OF ADAMS DRIVE, N.W.,  
 LOCATED IMMEDIATELY SOUTH OF  
 MARIETTA BOULEVARD, N.W.,  
 CONSISTING OF 11,476 SQUARE FEET,  
 MORE OR LESS, AND BEING MORE  
 SPECIFICALLY DESCRIBED IN THE  
 ATTACHED EXHIBIT "A", LYING AND  
 BEING IN LAND LOT 230 OF THE 17<sup>TH</sup>  
 DISTRICT, FULTON COUNTY, GEORGIA  
 AND FOR OTHER PURPOSES.

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

CERTIFIED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

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

MAYOR'S ACTION

Date Referred: *8/15/16*  
 Referred To: *City Utilities*

Date Referred:  
 Referred To:

Date Referred:  
 Referred To:

Attachment: 12 ADAMS DRIVE NW SOUTH OF MARIETTA ST (16-O-1425 : ADAMS DRIVE, NW AND

BOLTON ADAMS, LLC

REGIONS BANK

201

64-137/611

6/16/2015

PAY TO THE ORDER OF

CITY OF ATLANTA DEPT. PUBLIC WORKS

\$ \*\*2,500.00

Two Thousand Five Hundred and 00/100\*\*\*\*\*

DOLLARS

CITY OF ATLANTA DEPT. PUBLIC WORKS

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

MEMO: 2429 Bolton Road

⑈002019⑈ ⑆061101375⑆ 01 4732 0389⑈

Gave Reggie the  
Check on 07/30/15  
Jivna



# CITY OF ATLANTA

55 TRINITY AVE., SW. ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Richard Mendoza  
Commissioner

Kasim Reed  
MAYOR

## Request for Abandonment of Public Right-of-Way

Date: 06/19/2015

Name of Street: Adams Drive

Between \_\_\_\_\_ and \_\_\_\_\_

Petitioner Name: Belton Adams, LLC - Gerard Gunther, its Manager

**NOTE: Eligible petitioners are abutting property owner and/or their agents.**

Petitioner Phone(s) \_\_\_\_\_ Cell: 404-449-3204 Email: gerard@cornerpointpartners.com

### Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

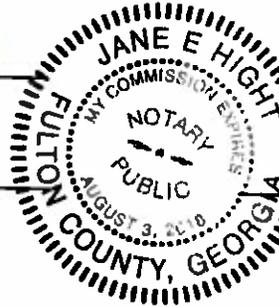
1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 1/2 X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement" from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all 2 properties abutting area to be abandoned.

**Certificate of Intent**

I, BOLTON ADAMS, LLC  
GERARD GUNTHERT, IT'S MANAGER the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

*[Handwritten Signature]*

Jane E. Hight  
Notary Public



6-18-15  
Date

I, BOLTON ADAMS, LLC  
GERARD GUNTHERT, IT'S MANAGER (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting ADAMS DRIVE a public right-of-way in the City of Atlanta.

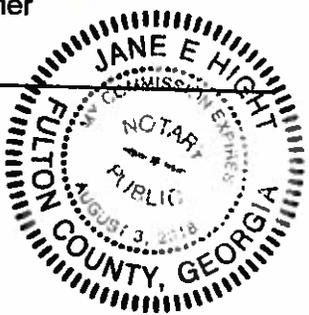
I support  / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not \_\_\_\_\_ acquire at fair market value that portion of the right-of-way abutting my property.

*[Handwritten Signature]*  
BOLTON ADAMS, LLC  
IT'S MANAGER  
Signature of Property Owner

6-18-15  
Date

GERARD GUNTHERT  
Print Name of Property Owner

*[Handwritten Signature]*  
Jane E. Hight  
Notary Public



\_\_\_\_\_  
Date  
6-18-15  
Date

**Certificate of Intent**

I, \_\_\_\_\_ the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

I, Florence Hall Edwards (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Adams Drive a public right-of-way in the City of Atlanta.

I support  / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not \_\_\_\_\_ acquire at fair market value that portion of the right-of-way abutting my property.

Florence Hall Edwards  
Signature of Property Owner  
Hall Marietta Blvd + Hopkins, Jdc.  
Florence Hall Edwards  
Print Name of Property Owner

6-25-15  
Date  
6-25-15  
Date  
6-25-15  
Date

David Hicks Exp. Oct 8, 2017  
Notary Public



## LEGAL DESCRIPTION ADAMS DRIVE RIGHT-OF-WAY ABANDONMENT

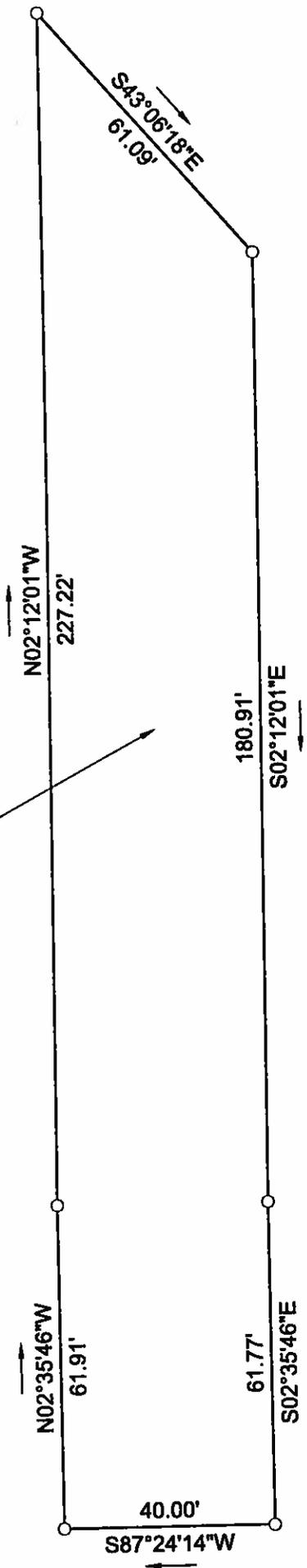
All that tract or parcel of land lying and being in Land Lot 230 of the 17th Land District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF COMMENCEMENT, begin at the Intersection of the Southwesterly Right-of-Way of Marietta Boulevard (Right-of-Way Varies) and the Easterly Right-of-Way of Adams Drive (40' Right-of-Way), said point being THE POINT OF BEGINNING.

THENCE from said point as thus established and continuing along said Easterly Right-of-Way of Adams Drive the following two (2) courses and distances, South 02 degrees 12 minutes 01 seconds East for a distance of 180.91 feet to a Point; THENCE South 02 degrees 35 minutes 46 seconds East for a distance of 61.77 feet to a Point; THENCE leaving said Easterly Right-of-Way, South 87 degrees 24 minutes 14 seconds West for a distance of 40.00 feet to a Point on the Westerly Right-of-Way of Adams Drive; THENCE continuing along the Westerly Right-of-Way of Adams Drive the following two (2) courses and distances, North 02 degrees 35 minutes 46 seconds West for a distance of 61.91 feet to a Point; THENCE North 02 degrees 12 minutes 01 seconds West for a distance of 227.22 feet to a Point at the Intersection of the Westerly Right-of-Way of Adams Drive and the Southerly end of the Mitered Right-of-Way of Bolton Road (R/W Varies); THENCE leaving said Intersection, South 43 degrees 06 minutes 18 seconds East for a distance of 61.09 feet to a Point at the Intersection of the Southwesterly Right-of-Way of Marietta Boulevard (Right-of-Way Varies) and the Easterly Right-of-Way of Adams Drive, said point being THE POINT OF BEGINNING.

Said property contains 0.244 Acres (10,636 Square Feet).

ADAMS DRIVE RW ABANDONMENT  
0.244 ACRES  
(10,636 SQ. FT.)



Deed Book 53612 Pg 94  
Filed and Recorded Mar-06-2014 09:46am  
2014-0104204  
Real Estate Transfer Tax \$535.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

After recording, return to:

LAW OFFICES OF HODGES AND BROADAWAY  
2230 Towne Lake Parkway  
Building 200, Suite 120  
Woodstock, GA 30189  
B1124A.002

STATE OF GEORGIA  
COUNTY OF GLYNN

**LIMITED WARRANTY DEED**

THIS INDENTURE is made as of March 5, 2014, between R. Michael Souther, as Chapter 7 Trustee for the Bankruptcy Estate of John M. Ford ("Grantor") and BOLTON ADAMS, LLC, a Georgia limited liability company ("Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, per Order Granting Motion for Private Sale of Real Property, United States Bankruptcy Court, Southern District of Georgia, Brunswick Division, Chapter Seven, Case no. 12-21384-JSD, in the Matter of: Ford, John Melcher, Debtor, dated May 9, 2013, filed 3-6-2014, 2014, and recorded in Deed Book 53612 Page 94-91 Clerk of Superior Court, Fulton County, Georgia records, in consideration of the sum of One Dollar and No/100ths Dollars and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee:

All that tract or parcel of land lying and being in Fulton County, Georgia (hereinafter referred to as the "Land"), and being more particularly described in Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD the Land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE; subject only to the matters (hereinafter referred to as the "Permitted Exceptions") set out in Exhibit "B" attached hereto and incorporated herein.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of any persons owning, holding or claiming by,

through or under Grantor, except for claims arising under or by virtue of the Permitted Exceptions.

IN WITNESS WHEREOF, the Grantor has executed these presents and affixed their respective seals the day and year first above written.

"GRANTOR":

Signed, sealed and delivered in the presence of:

R. Michael Souther, as Chapter 7 Trustee for the Bankruptcy Estate of John M. Ford

Carl M. Hein  
Witness

By: R. Michael Souther  
R. Michael Souther

Shannon L. Minnick  
Notary Public

Its: Trustee

My Commission Expires:

[NOTARIAL SEAL



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Page 1 of 2

**TRACT ONE**

All that tract or parcel of land lying and being in Land Lot 230 of the 17th District of Fulton County, Georgia, and being more particularity described as follows:

Beginning at a 1 1/4-inch crimp top pipe found at the intersection of the southwesterly right-of-way line of Marietta Boulevard (being a variable right-of-way) with the westerly right-of-way line of Adams Drive (being a 40-foot right-of-way); thence running south 05 degrees 27 minutes 45 seconds east along the western right-of-way line of Adams Drive, a distance of 227.22 feet to an iron pin placed; thence continuing along said right-of-way line south 05 degrees 51 minutes 30 seconds east a distance of 83.03 feet to a 1/2-inch rebar found; thence running south 86 degrees 58 minutes 05 seconds west a distance of 199.63 feet to a 1/2 inch rebar found; thence running north 06 degrees 06 minutes 55 seconds west a distance of 88.47 feet to an iron pin placed; thence running north 05 degrees 17 minutes 30 seconds east a distance of 51.35 feet to an iron pin placed; thence running north 01 degrees 10 minutes 00 seconds west a distance of 200.05 feet to a 1 1/4-inch o.g. pipe found on the southerly right-of-way line of Bolton Road; thence running north 88 degrees 24 minutes 15 seconds east along said southerly right-of-way line a distance of 137.28 feet to a 1 1/4-inch solid rod found at the intersection of the southwesterly right-of-way line of Marietta Boulevard with the southerly right-of-way line of Bolton Road; thence running south 59 degrees 57 minutes 25 seconds east along the southwesterly right-of-way line of Marietta Boulevard, a distance of 47.11 feet to a 1 1/4 inch crimp top pipe found, being the Point of Beginning; said tract containing 1.4531 acres., being known as 2429-31 Bolton Road, as delineated on that certain survey for Pike Nurseries, Inc., Allied Promotions, Inc. & NCNB National Bank. Certified by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated October 23, 1989.

LESS AND EXCEPT the property conveyed by virtue of Condemnation styled the City of Atlanta vs. John M. Ford et al, Action No. 2011-CV-202727 in the Superior Court of Fulton County, State of Georgia, Order and Judgment dated June 30, 2011, filed June 30, 2011 and recorded in Deed Book 50174, Page 441, records of the Superior Court of Fulton County, Georgia.

K.31.b

Packet Pg. 484

**EXHIBIT "A"  
LEGAL DESCRIPTION**

Page 2 of 2

**Tract 2:**

All that tract or parcel of land lying and being in Land Lot 230 of the 17th Land District of Fulton County, Georgia, being more particularly described as follows:

Beginning at point 36 feet right of and opposite Station 276+24.70 on the construction centerline of Bolton Road on Georgia Highway Project No. CSSTP-0006-00(261) at the Point of Beginning: running thence S 0° 54' 4" a distance of 97.47 feet; thence N 74° 39' 48" W a distance of 177.00'; thence N 0° 54' 41" W a distance of 63.96' to the right of way of Bolton Road; thence N 88° 54' 31" E a distance of 85.00'; thence S 74° 57' 33" Ea distance of 59.21'; thence N 89° 5' 19" E a distance of 28.00' back to the Point of Beginning. Containing 0.326 acres more or less and as shown on Exhibit 1 attached hereto and same being the survey by the Planning Design Group entitled "Impact Study for Improvement of Marietta Blvd. @ Bolton Road (SR 70) and Adams Road, John W. Ford Parcel No. 2, Fulton County, Georgia."

Deed Book 53612 Pg 98  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

EXHIBIT "B"  
PERMITTED EXCEPTIONS

1. Matters shown on ALTA/ACSM Title Survey for Bolton Adams, LLC, certified to Bolton Adams, LLC, and First American Title Insurance Company, by Precision Planning, Inc., by Randall W. Dixon, Georgia Registered Land Surveyor Number 1678, dated March 22, 2013, last revised January 27, 2014, as follows:
  - (A) Billboard located on the boundary between Tract One and Tract Two with no evidence of an easement or conveyance.
  - (B) Right-of-way of Bolton Road (under construction) encroaches over the northern boundary of Tract Two.
  - (C) Chain link fence surrounds Tract One and along the northern boundary of Tract Two.
  - (D) Power lines leading into the Land from the northern boundary on Tract Two and the Eastern boundary on Tract One.
  - (E) Any easements or rights of others, including, but not limited to, The City of Atlanta, The Department of Transportation and any applicable utility provider, in and to the area designated as Overlap Area (0.009 Acres).
  
2. Any lease, grant, conveyance, exception or reservation of minerals or mineral rights appearing in the Public Records. Nothing herein shall insure against loss or damage resulting from subsidence.
  
3. Easements taken by Condemnation styled the City of Atlanta vs. John M. Ford, et al, Civil Action No. 2011-CV-202727 in the Superior Court of Fulton County, State of Georgia, Order and Judgment dated June 30, 2011, filed June 30, 2011 and recorded in Deed Book 50174, Page 441, records of the Superior Court of Fulton County, Georgia.
  
4. City of Atlanta right of Ingress and egress over, across and through Tract Two provided in that certain Quitclaim between the City of Atlanta and R. Michael Southern as Chapter 7 Trustee for the Bankruptcy Estate of John M. Ford, dated \_\_\_\_\_, 2014, filed 3-6-2014, 2014, in Deed Book 53612 Page 92-93 aforesaid records.

Deed Book 46519 Pg 530  
Filed and Recorded Mar-26-2008 03:51pm  
2008-0070831  
Real Estate Transfer Tax \$0.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

**UPON RECORDING RETURN TO:**

Alston & Bird  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Attention: Margaret W. Scott, Esq.

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA**

**COUNTY OF FULTON**

**THIS INDENTURE**, made this 19<sup>th</sup> day of March, 2008, between **W. COURTNEY HALL**, a resident of the State of Georgia (herein called "Grantor") and **HALL MARIETTA BOULEVARD HOLDINGS, L.L.C.**, a Georgia limited liability company (herein called "Grantee").

**WITNESSETH:** That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A, attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

This Deed and the warranty of title contained herein are made expressly subject to taxes for the year 2008 and subsequent years and all matters of record filed in the real estate records of Fulton County, Georgia with respect to the real property conveyed hereby.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

K.31.b

Packet Pg. 487

Deed Book 46519 Pg 531

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

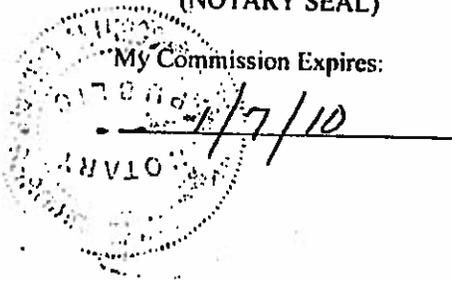
Signed, sealed and delivered  
in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
W. Courtney Hall

[Signature]  
Notary Public

(NOTARY SEAL)



Deed Book 46519 Pg 532  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

Exhibit A

All that tract or parcel of land lying and being in Land Lot 230 of the 17th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the Southwest side of Bennett Street two hundred and seventy-three (273) feet southeast from the intersection of the southwest side of Bennett Street with the south side of Bolton Road; thence south two hundred thirty-seven and nine-tenths (237.9) feet to the north line of the property now or formerly owned by Emma L. and R. E. Walker; thence in an easterly direction along the north line of said Walker property, forty eight (48) feet, more or less, to the property now or formerly owned by Dot and Beatrice Bray; thence north along the west line of said property two hundred twelve (212) feet, more or less, to the southwest side of Bennett Street; thence in a northwesterly direction along the southwest side of Bennett Street sixty (60) feet to the point of beginning; being improved property and known as No. 4 Bennett Street, N. W., according to the present numbering of houses in this vicinity.

ALSO:

All that tract or parcel of land lying and being in Land Lot 230 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the southwesterly side of Bennett Street with the east side of Adams Drive, said point of beginning being fifteen (15) feet south of the old Atlanta Northern Railway right-of-way; running thence southeasterly along the southwesterly side of Bennett Street one hundred forty-one (141) feet to an iron pin corner, which point is also fifteen (15) feet southerly from the old Atlanta Northern Railway right-of-way; running thence south one hundred eighty-three and four-tenths (183.4) feet to an iron pin corner; running thence west one hundred (100) feet to an iron pin on the east side of Adams Drive; running thence north along the east side of Adams Drive two hundred fifty-two and two tenths (252.2) feet to Bennett Street at the point of beginning; being the same property conveyed to W. E. Williams by warranty deed from Andrew H. Mummert and Ada E. Mummert, which deed is recorded in Deed Book 2442, Page 64, Fulton County Records; said property being improved and having a one story frame house located thereon known as No. 2 Bennett Street, S. W., Atlanta, Georgia.

**Certificate of Intent**

I, \_\_\_\_\_ the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

2

I, \_\_\_\_\_ (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting \_\_\_\_\_ a public right-of-way in the City of Atlanta.

I support \_\_\_\_\_ / do not support \_\_\_\_\_ the abandonment of the aforementioned right-of-way. If abandoned, I will \_\_\_\_\_ / will not \_\_\_\_\_ acquire at fair market value that portion of the right-of-way abutting my property.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



**FIRST AMERICAN TITLE INSURANCE COMPANY****SCHEDULE B-1****(Requirements)**

Client File No.:

Commitment No.: **B1124.020**

Page 1 of 2

**The following are the requirements to be complied with:**

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:
  - (A) Execution, delivery and recording of a Limited Warranty Deed from Hall Marietta Boulevard Holdings, L.L.C., a Georgia limited liability company to The Gunthert Company, Inc., conveying the property described in Schedule A herein.

**NOTE:** Said Limited Warranty Deed must be executed pursuant to the "Operating Agreement" of Hall Marietta Boulevard Holdings, L.L.C., proof of which must be submitted to the Company.

- (B) Execution, delivery and recording of a Deed to Secure Debt from The Gunthert Company, Inc. to **TO BE DETERMINED**, securing the property described in Schedule A herein with a note in the original principal amount of **\$TO BE DETERMINED**.

**NOTE:** Said Deed to Secure Debt must be executed pursuant to proper corporate authority, proof of which must be submitted to the Company.

3. Payment, satisfaction, cancellation, termination or release of subject property from encumbrances created by the following instruments:
  - (A) 2014 Solid Waste FiFa styled The City of Atlanta, Georgia vs. Hall Marietta Boulevard Holdings LLC, dated October 25, 2014, filed October 31, 2014 and recorded in Lien Book 3126, Page 34, records of the Superior Court of Fulton County, Georgia, in the original total amount of \$484.10 (Tax Parcel 17-0230-0004-013-5).
  - (B) 2014 Solid Waste FiFa styled The City of Atlanta, Georgia vs. Hall Marietta Boulevard Holdings LLC, dated October 25, 2014, filed October 31, 2014 and recorded in Lien Book 3126, Page 35, aforesaid records, in the original total amount of \$232.50 (Tax Parcel 17-0230-0004-014-3).

**NOTE:** Per the Fulton County Tax Commissioner 2014 sanitary taxes have been paid; the Solid Waste FiFa's set forth above remain open of record.

4. City, state and county real and personal property taxes are as follows:

**Real Property Taxes****State and County****City of Atlanta**

Name: Hall Marietta Boulevard Holdings LLC  
 Map Reference No.: 17-0230-0004-013-5  
 (2356 Marietta Blvd)  
 2014 Amount Paid: \$2,113.79  
 2014 Date Paid: November 12, 2014

Name: Hall Marietta Boulevard Holdings LLC  
 Map Reference No.: 17-0230-0004-013-5  
 (2356 Marietta Blvd)  
 2014 Amount Paid: \$5,773.73  
 2014 Date Paid: November 3, 2014

**NOTE:** Sanitary taxes were paid in the amount of \$498.31 on October 28, 2014.

## FIRST AMERICAN TITLE INSURANCE COMPANY

## SCHEDULE B-1

## (Requirements)

Client File No.:

Commitment No.: B1124.020

Page 2 of 2

Name: Hall Marietta Boulevard Holdings LLC  
 Map Reference No.: 17-0230-0004-014-3  
 (Marietta Blvd)  
 Amount Paid: \$1,093.59  
 Date Paid: November 12, 2014

Name: Hall Marietta Boulevard Holdings LLC  
 Map Reference No.: 17-0230-0004-014-3  
 (Marietta Blvd)  
 Amount Paid: \$2,987.10  
 Date Paid: November 3, 2014

**NOTE:** Sanitary taxes were paid in the amount of \$239.16 on October 28, 2014.

**Personal Property Taxes**

Name: Saqeef Enterprises Inc.  
 Account No.: P00005883744  
 (2356 Marietta Blvd)  
 2008 amount to pay: \$138.07 good thru 5/30/15

Name: Saqeef Enterprises Inc.  
 Account No.: P00005883744  
 (2356 Marietta Blvd)  
 2008 amount to pay: \$381.90 good thru 6/15/15

**NOTE:** Personal property taxes, if any, returned in the name of the entity or person having title to the fee simple estate are shown herein. In addition, a search was conducted using the address(es) returned by the tax assessor for the fee simple estate. Any personal property taxes appearing of record under the address(es) are shown above.

**ALSO NOTE:** This title insurance commitment does not provide a full search for personal property tax information. Should a complete search for personal property taxes be required, please request a personal property tax certification letter and submit all names to be examined.

5. Disclosure to the Company in writing of the name of anyone not referred to in this Commitment who will get an interest in the land or who will secure any loan with the insured property. The Company reserves the right to make additional requirements and/or exceptions based on the disclosure.
6. Receipt of satisfactory proof in the form of an affidavit acceptable to the Company from both the Seller and from the Purchaser that no Broker's services have been engaged with regard to the management, sale, purchase lease, option or other conveyance of any interest in the subject commercial real estate and that no notice(s) of lien for any such services has been received. In the event that said affidavit(s) contain any qualification with respect to any such services, proof of payment in full for all such services, together with a lien waiver or estoppel letter from such identified Broker(s) must be obtained.
7. Receipt of proof satisfactory to us that no improvements or repairs were made on the property within 95 days preceding the filing for record of the instrument(s) required at Item (2) above; or in the event such improvements or repairs were made, that they have been completed and all costs incurred in connection therewith, including architect's fees, if any, have been paid.

**NOTE:** As a matter of information only, O.C.G.A. Section 48-7-128 requires a purchaser to withhold 3% of the purchase price or consideration paid if the seller or transferor is a non-resident of the State of Georgia. The purchaser/settlement agent should determine if the seller is a non-resident of Georgia within the meaning of Subsection (a) of O.C.G.A. Section 48-7-128 and if the transaction is subject to the withholding requirement.

**NOTE:** UCC Financing Statements filed under current owner affecting only personal property are not reflected in this title commitment. Should this information be required, please request a UCC Certification Letter and submit all names to be examined.

## FIRST AMERICAN TITLE INSURANCE COMPANY

## SCHEDULE B-2

## (Exceptions)

Client File No.:

Commitment No.: B1124.020

Page 1 of 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Standard exceptions:
  - (A) Rights or claims of parties in possession not shown by the public records.
  - (B) Easements or claims of easements not shown by the public records.
  - (C) Any lien or right to a lien for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
3. All applicable, state and county real and personal property taxes for the year 2015 and subsequent years which are liens not yet due and payable.
4. Any additional taxes, interest and/or penalties which may be assessed for current and prior tax years by virtue of adjustment, re-appraisal, re-assessment, appeal or other amendment to the tax records of the city or county in which the subject property is located.
5. All assessments, taxes, and special assessments which are now a lien or payable or which may become due and payable, including, but not limited to, water bills, sanitary bills, sewer bills and solid waste bills.
 

**NOTE:** This exception shall be removed upon receipt of copies of water bills, sanitary bills, sewer bills and solid waste bills for the last three billing cycles and copies of paid receipts for the most current bills.
6. All matters as would be disclosed by a current and accurate survey and inspection of the premises, including without limitation, encroachments, easements, measurements, variations in area or content, party walls, or riparian rights.
 

**NOTE:** Upon submission of a survey and surveyor's inspection report acceptable to the Company, the foregoing exception will be deleted subject to all matters shown therein.
7. This Commitment of Title Insurance affords assurance as to the location of the boundary lines of subject property, but does not insure the engineering calculation and computing for the exact amount of acreage and/or square footage contained therein.
8. Additional exceptions as to Tenants:
  - (A) Rights of tenants in possession under unrecorded Leases;
  - (B) Terms and conditions of any recorded or unrecorded leases; and
  - (C) Any personal property taxes in the name(s) of any current or former tenant(s) in possession under recorded or unrecorded leases.
9. Easements contained in that certain Right of Way Deed from Courtney Hall to State Highway Department of Georgia, dated April 27, 1951 and recorded in Deed Book 2681, Page 427, records of the Superior Court of Fulton County, Georgia.
10. Permit for Anchors, Guy Poles and Wires from W. Courtney Hall to Georgia Power Company, dated November 10, 1969, filed March 31, 1970 and recorded in Deed Book 5205, Page 222, aforesaid records.

**FIRST AMERICAN TITLE INSURANCE COMPANY**

**SCHEDULE B-2**

**(Exceptions)**

Client File No.:

Commitment No.: **B1124.020**

Page 2 of 2

11. Terms and conditions of the Lease Agreement as evidenced by that certain Memorandum of Lease by and between William Courtney Hall and Racetrac Petroleum, Inc., a Georgia corporation, dated as of August 28, 2007, filed January 31, 2008 and recorded in Deed Book 46280, Page 624, aforesaid records; as re-filed April 17, 2008 and re-recorded in Deed Book 46626, Page 260, aforesaid records.

## FIRST AMERICAN TITLE INSURANCE COMPANY

## EXHIBIT "A"

Client File No.:

Commitment No.: B1124.020

Page 1 of 1

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 230 of the 17th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the Southwest side of Bennett Street two hundred and seventy-three (273) feet southeast from the intersection of the southwest side of Bennett Street with the south side of Bolton Road; thence south two hundred thirty-seven and nine-tenths (237.9) feet to the north line of the property now or formerly owned by Emma L. and R. E. Walker; thence in an easterly direction along the north line of said Walker property, forty eight (48) feet, more or less, to the property now or formerly owned by Dot and Beatrice Bray; thence north along the west line of said property two hundred twelve (212) feet, more or less, to the southwest side of Bennett Street; thence in a northwesterly direction along the southwest side of Bennett Street sixty (60) feet to the point of beginning; being improved property and known as No. 4 Bennett Street, N. W., according to the present numbering of houses in this vicinity.

ALSO:

All that tract or parcel of land lying and being in Land Lot 230 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the southwesterly side of Bennett Street with the east side of Adams Drive, said point of beginning being fifteen (15) feet south of the old Atlanta Northern Railway right-of-way; running thence southeasterly along the southwesterly side of Bennett Street one hundred forty-one (141) feet to an iron pin corner, which point is also fifteen (15) feet southerly from the old Atlanta Northern Railway right-of-way; running thence south one hundred eighty-three and four-tenths (183.4) feet to an iron pin corner; running thence west one hundred (100) feet to an iron pin on the east side of Adams Drive; running thence north along the east side of Adams Drive two hundred fifty-two and two tenths (252.2) feet to Bennett Street at the point of beginning; being the same property conveyed to W. E. Williams by warranty deed from Andrew H. Mummert and Ada E. Mummert, which deed is recorded in Deed Book 2442, Page 64, Fulton County Records; said property being improved and having a one story frame house located thereon known as No. 2 Bennett Street, S. W., Atlanta, Georgia.

## Owners Abutting proposed Adams Dr ROW Abandonment

1. **Bolton Adams, LLC property** (shown as John M. Ford property to the west on the survey) is in Deed Book 53612, Page 94. Tax parcel number 17-0230-0004-091-5. Address is 2429 Bolton Rd, Atlanta, GA.
2. **Hall Marietta Boulevard Holdings, LLC property** (shown as Tract One on the survey) is in Deed Book 46519, Page 530. Tax parcel number 17-0230-0004-013-5. Address is 2356 Marietta Blvd, Atlanta, GA.

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.  
(HELD 9/13/16 AT THE REQUEST OF THE DEPARTMENT)**

WHEREAS, the City of Atlanta owns and operates a water and wastewater system; and

WHEREAS, the City of Atlanta, Department of Watershed Management (“Department”) has identified, in connection with the Capital Improvement Program, the need to fund certain costs from the Watershed Reserve for Appropriations; and

WHEREAS, the Emergency Sewer Repairs project will provide repairs to sewer mains, catch basins, storm sewer back-ups, broken sewer lines, sewer cave-ins, and replace missing manhole lids; and

WHEREAS, these funds should be transferred from the Watershed Reserve for Appropriations to facilitate the use of the funds for the Emergency Sewer Repairs projects.

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

Section 1: That the Chief Financial Officer is authorized to amend the FY 2017 Water and Wastewater Renewal and Extension Fund (5052) Budget as follows:

TRANSFER FROM APPROPRIATIONS

<b>The amount of:</b>	<b>\$2,000,000.00</b>			
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>NDP Reservation of Fund Appropriations</u>	<u>Reserve Conversion Account</u>	<u>Accounting</u>	
5052	200101	5999901	1512000	

ADD TO APPROPRIATIONS

<b>The amount of:</b>	<b>\$2,000,000.00</b>			
<b>PTAEO:</b>				
<u>Emergency Sewer Repairs</u>	<u>Sewer Rehabilitation</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>Facilities Other Than Bldgs/Infrastructure</u>	<u>City of Atlanta</u>
17212531	101	505221391	5414002	COA
<b>FDOA:</b>				
<u>Water &amp; Wastewater R&amp;E Fund</u>	<u>DWM Sewer Linear Maintenance/Repair</u>	<u>Projects and Grants Budget</u>	<u>Sewage Collection &amp; Disposal</u>	
5052	171002	5999999	4333000	
<u>Emergency Sewer Repairs</u>	<u>Water &amp; Wastewater R&amp;E Fund</u>			
212531	21391			

Section 2: That appropriations in the Water & Wastewater Renewal & Extension Fund (5052) Budget be transferred as follows:

ADD TO AWARD INSTALLMENT

<b>The amount of:</b>	<b>\$2,000,000.00</b>	<u>R&amp;E Water &amp; Wastewater Fund</u>		
		505221391		

Section 3: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL  
ATLANTA, GEORGIA**

16-O-1455

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.**

**(Held 9/13/16 at the request of the Department)**

**Workflow List:**

Kishia Powell	Completed	08/11/2016 1:52 PM
Finance	Completed	08/11/2016 2:18 PM
Patrick McShane	Completed	08/11/2016 6:19 PM
Mayor's Office	Completed	08/12/2016 8:58 AM
Office of Research and Policy Analysis	Completed	08/16/2016 10:09 AM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM
City Utilities Committee	Completed	11/15/2016 9:30 AM
Atlanta City Council	Completed	11/21/2016 1:00 PM
City Utilities Committee	Pending	11/29/2016 9:30 AM
Mayor's Office	Pending	

**HISTORY:**

08/23/16	City Utilities Committee	
09/06/16	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [10 TO 0]</b>	<b>Next: 9/13/2016 9:30 AM</b>
<b>MOVER:</b>	Alex Wan, Councilmember, District 6	
<b>SECONDER:</b>	Yolanda Adrean, Councilmember, District 8	
<b>AYES:</b>	Bond, Norwood, Smith, Young Jr., Wan, Shook, Adrean, Moore, Martin, Bottoms	
<b>ABSENT:</b>	Andre Dickens, Cleta Winslow, Natalyn Mosby Archibong	
<b>AWAY:</b>	Kwanza Hall, Joyce Sheperd	

09/13/16	City Utilities Committee	HELD IN COMMITTEE
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16-O-1455

Last Updated: 09/13/16

Packet Pg. 499
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<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 9/19/2016 1:00 PM</b>
<b>MOVER:</b>	Howard Shook, Vice Chair	
<b>SECONDER:</b>	Andre Dickens, Councilmember Post 3 At-Large	
<b>AYES:</b>	Archibong, Martin, Adrean, Dickens, Shook, Wan, Sheperd	
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Cristl Walker

Contact Number: 404-546-3622

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: August 5, 2016

Anticipated Committee Meeting Date(s) August 23, 2016

Anticipated Full Council Date: September 6, 2016

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: Spell 7/27/16

Chief Financial Officer: [Signature] (A)

Chief Information Officer Signature (If Applicable) NA

Chief Procurement Officer Signature \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.**

IMPACT: (if any) (\$2,000,000.00)  
Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: \_\_\_\_\_  
(date)

Reviewed by: [Signature]  
(date)

Submitted to Council: \_\_\_\_\_  
(date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.

**Council Meeting Date:** September 6, 2016

**Requesting Dept.:** Department of Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

**Example:** *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose of this legislation is to authorize the CFO to amend the FY 2017 Budget Water and Wastewater Renewal and Extension Fund (5052) in the amount of \$2,000,000.00 to transfer funds from Watershed Reserve for Appropriation and add to Appropriation funds for:

Emergency Sewer Repairs project will provide repairs to sewer mains, catch basin, and storm sewer back-ups, broken sewer lines & sewer cave-ins, and replace missing manhole lids. See Capital Improvement Program Project #39.

**2. Please provide background information regarding this legislation.**

**Example:** *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The City of Atlanta Department of Watershed Management has identified, in connection with the Capital Improvement Program (CIP), the need to fund certain costs from the Water and Wastewater Renewal and Extension Fund (5052) to facilitate projects.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Account Center (Ex. Name and number):** Various

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

**5. Source of Funds: Example: Local Assistance Grant**

FDOA: \$2,000,000; 5052 (DWM Water & Wastewater RNE Fund) 200101 (NDP Reservation of Funds Appropriations) 5999901 (Reserve Conversion Account) 1512000 (Accounting)

**6. Fiscal Impact:** N/A

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

**7. Method of Cost Recovery:** N/A**Examples:**

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

**This Legislative Request Form Was Prepared By:** Tamika Gray

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
 Readings  
 Consent  V Vote  RCV

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

AN ORDINANCE  
 BY CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FY 2017 WATER AND WASTEWATER RENEWAL AND EXTENSION FUND (5052) BUDGET IN THE AMOUNT OF TWO MILLION DOLLARS AND ZERO CENTS (\$2,000,000.00) TO TRANSFER FUNDS FROM THE WATERSHED RESERVE FOR APPROPRIATIONS AND ADD FUNDS TO APPROPRIATIONS FOR THE LISTED EMERGENCY SEWER REPAIRS PROJECTS; AND FOR OTHER PURPOSES.

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

CONSENT REFER  
 REGULAR REPORT REFER  
 ADVERTISE & REFER  
 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER  
 PERSONAL PAPER REFER  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred 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 \_\_\_\_\_

MAYOR'S ACTION

**AN ORDINANCE BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.(HELD 10/25/16 AT THE REQUEST OF THE DEPARTMENT) (SUBSTITUTED AND HELD 11/15/16)**

WHEREAS, the City is authorized to grant one or more non-exclusive, revocable franchises to construct, reconstruct, operate, and maintain a cable communications system to provide cable services within the City; and

WHEREAS, pursuant to City Council Ordinance 09-O-1223, adopted by the Atlanta City Council on September 8, 2009 and approved by the Mayor on September 11, 2009, the City entered into a franchise agreement (“the 2009 franchise agreement”) with Comcast of Georgia/Virginia, Inc. (“the franchise holder”) for a term of seven years from November 30, 2009 through November 29, 2016; and

WHEREAS, the franchise holder has complied with the material terms of the 2009 franchise agreement and with applicable law; and

WHEREAS, the City now desires to enter into a franchise agreement with Comcast of Georgia, LLC, the franchise holder’s successor in interest, for a term of seven (7) years commencing on November 30, 2016 and continuing through November 29, 2023; and

WHEREAS, following negotiations conducted pursuant to federal law, and after the City's consideration of the quality of the franchise holder's service and its financial, legal, and technical ability to provide the service, facilities, and equipment set forth in its proposal, the parties have agreed on the terms and conditions of the renewal of said franchise.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS AS FOLLOWS:

Section 1: The Mayor is authorized to execute a franchise agreement with Comcast of Georgia, LLC in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 2: The City Attorney is directed to prepare any and all additional documents required to effect such agreement.

Section 3: The agreement shall not become binding on the City and the City shall incur no liability thereon until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the contracting party.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1599

SPONSOR SIGNATURES

  
Howard Shook, Councilmember, District 7

  
Natalyn Mosby Archibong, Councilmember, District 5



16-O-1599

AN ORDINANCE BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

AN ORDINANCE  
BY



**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.**

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<p>(Do Not Write Above This Line)</p>	<p align="center"><b>First Reading</b></p> <p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Referred To _____</p>		<p align="center"><b>FINAL COUNCIL ACTION</b></p> <p><input type="checkbox"/> 2<sup>nd</sup>      <input type="checkbox"/> 1<sup>st</sup> &amp; 2<sup>nd</sup>      <input type="checkbox"/> 3<sup>rd</sup></p> <p align="center">Readings</p> <p><input type="checkbox"/> Consent    <input type="checkbox"/> V Vote      <input type="checkbox"/> RC Vote</p>
<p><b>AN ORDINANCE</b>  <b>BY</b> <i>Hand Shook</i>  <i>Natasha Archibald</i></p> <p><b>AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.</b></p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>CERTIFIED</b></p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE &amp; REFER</p> <p><input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</p> <p><input checked="" type="checkbox"/> PERSONAL PAPER REFER</p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>MAYOR'S ACTION</b></p>
<p>Date Referred  Referred To: <i>10/17/16</i>  <i>City Utilities</i></p> <p>Date Referred  Referred To:</p> <p>Date Referred:  Referred To:</p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>Committee</b></p> <p>_____</p> <p align="center"><b>Date</b></p> <p>_____</p> <p align="center"><b>Chair</b></p> <p>_____</p> <p align="center"><b>Action</b>  Fav, Adv, Hold (see rev. side)  Other</p> <p>_____</p> <p align="center"><b>Members</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="center"><b>Refer To</b></p> <p>_____</p>	<p align="center"><b>MAYOR'S ACTION</b></p>

Attachment: 19 CITY OF ATLANTA AND COMCAST AGREEMENT (16-O-1599 : CITY OF ATLANTA AND

**AN ORDINANCE BY  
COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG  
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE BY COUNCIL MEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF ATLANTA AND COMCAST OF GEORGIA, LLC, FOR THE PURPOSE OF RENEWING THE CABLE FRANCHISE GRANTED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City is authorized to grant one or more non-exclusive, revocable franchises to construct, reconstruct, operate, and maintain a cable communications system to provide cable services within the City; and

**WHEREAS**, pursuant to City Council Ordinance 09-O-1223, adopted by the Atlanta City Council on September 8, 2009 and approved by the Mayor on September 11, 2009, the City entered into a franchise agreement (“the 2009 franchise agreement”) with Comcast of Georgia/Virginia, Inc. (“the franchise holder”) for a term of seven years from November 30, 2009 through November 29, 2016; and

**WHEREAS**, the franchise holder has complied with the material terms of the 2009 franchise agreement and with applicable law; and

**WHEREAS**, the City now desires to enter into a franchise agreement with Comcast of Georgia, LLC, the franchise holder’s successor in interest, for a term of seven (7) years commencing on November 30, 2016 and continuing through November 29, 2023; and

**WHEREAS**, following negotiations conducted pursuant to federal law, and after the City’s consideration of the quality of the franchise holder’s service and its financial, legal, and technical ability to provide the service, facilities, and equipment set forth in its proposal, the parties have agreed on the terms and conditions of the renewal of said franchise.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** The Mayor is authorized to execute a franchise agreement with Comcast of Georgia, LLC in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

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**Section 4:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

---

*Franchise Agreement*

between the

*City of Atlanta, Georgia*

and

*Comcast Cable Communications, LLC*

DRAFT

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DRAFT

Attachment: 16-O-1599 DRAFT Comcast Franchise Agreement (16-O-1599 : CITY OF ATLANTA AND COMCAST AGREEMENT)

**AGREEMENT**

This **AGREEMENT** is effective as of the \_\_\_\_ day of \_\_\_\_\_, 2016 (the “Effective Date”), and is between the City of Atlanta, Georgia, an incorporated Georgia city (the “Franchising Authority” or the “City”), and Comcast Cable Communications, LLC (the “Company”). For purposes of this Agreement, unless otherwise defined in this Agreement, the capitalized terms, phrases, words, and their derivations, shall have the meanings set forth in Appendix A.

The Franchising Authority, having determined that the financial, legal, and technical ability of the Company is reasonably sufficient to provide the services, facilities, and equipment necessary to meet the current and future cable-related needs of the community and that, as of the Effective Date, the Company is in material compliance with the terms and conditions of the cable franchise preceding this Agreement, desires to enter into this Agreement with the Company for the construction, operation, and maintenance of a Cable System on the terms and conditions set forth herein. In consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

**SECTION 1  
GRANT OF AUTHORITY**

1.1 Grant of Franchise. The Franchising Authority hereby grants under the Cable Act a nonexclusive franchise (the “Franchise”) to occupy and use the Streets within the Franchise Area in order to construct operate, maintain, upgrade, repair, and remove the Cable System, and provide Cable Services through the Cable System, subject to the terms and conditions of this Agreement. This Franchise authorizes Cable Service only, and it does not grant or prohibit the right(s) of the Company to provide other services.

1.2 Term of Franchise. This Franchise shall be in effect for a period of seven (7) years commencing on the Effective Date, unless renewed or lawfully terminated in accordance with this Agreement and the Cable Act.

1.3 Renewal. Subject to Section 626 of the Cable Act (47 U.S.C. § 546) and such terms and conditions as may lawfully be established by the Franchising Authority, the Franchising Authority reserves the right to grant or deny renewal of the Franchise.

1.4 Reservation of Authority. Nothing in this Agreement shall (i) abrogate the right of the Franchising Authority to perform any public works or public improvements of any description, (ii) be construed as a waiver of any codes or ordinances of the Franchising Authority, including without limitation the City of Atlanta Right-of-Way Ordinance and Manual, or of the Franchising Authority’s right to require the Company or any Person utilizing the Cable System to secure the appropriate permits or authorizations for its use, or (iii) be construed as a waiver or release of the rights of the Franchising Authority in and to the Streets. Notwithstanding the above, in the event of any conflict between this Agreement and any code or ordinance adopted by the Franchising Authority, the terms and conditions of this Agreement shall prevail.

Attachment: 16-O-1599 DRAFT Comcast Franchise Agreement (16-O-1599 : CITY OF ATLANTA AND COMCAST AGREEMENT)

## 1.5 Competitive Equity and Subsequent Action Provisions.

1.5.1 Purposes. The Company and the Franchising Authority acknowledge that there is increasing competition in the video marketplace among cable operators, direct broadcast satellite providers, telephone companies, broadband content providers, and others; new technologies are emerging that enable the provision of new and advanced services to City residents; and changes in the scope and application of the traditional regulatory framework governing the provision of Video Services are being considered in a variety of federal, state, and local venues. To foster an environment where all Cable Service Providers and Video Service Providers using the Streets can compete on a competitively neutral and nondiscriminatory basis; encourage the provision of new and advanced services to City residents; promote local communications infrastructure investments and economic opportunities in the City; and provide flexibility in the event of subsequent changes in the law, the Company and the Franchising Authority have agreed to the provisions in this Section 1.5, and these provisions should be interpreted and applied with these purposes in mind. The parties agree that the Franchising Authority shall not be required to execute a franchise agreement or authorization with a competitive CSP or VSP that is identical, word-for-word, with this Agreement to avoid triggering the provisions of this Section 1.5, so long as the regulatory and financial burdens on and benefits to each CSP or VSP are materially equivalent to the burdens on and benefits to the Company. “Materially equivalent” provisions include but are not limited to: franchise fees and the definition of Gross Revenues; system build-out requirements; security instruments; public, education and government access channels and support; customer service standards; and audits.

1.5.2 Fair Terms for All Providers. Notwithstanding any other provision of this Agreement or any other provision of law,

(a) If any VSP or CSP enters into any agreement with the Franchising Authority to provide Video Services or Cable Services to Subscribers in the Franchise Area, the Franchising Authority and the Company, upon written request of the Company, will use best efforts in good faith to negotiate the Company’s proposed Franchise modifications, and such negotiation will proceed and conclude within sixty (60) days, unless that period is reduced or extended by mutual agreement of the parties. If the Franchising Authority and the Company agree to Franchise modifications pursuant to such negotiations, then the Franchising Authority shall amend this Agreement to include the modifications.

If there is no written agreement or other authorization between the new VSP or CSP and the Franchising Authority, the Company and the Franchising Authority shall use the sixty (60) day period to develop and enter into an agreement or other appropriate authorization (to the extent the Company determines an agreement or authorization is necessary) that to the maximum extent possible contains provisions that will ensure competitive equity between the Company and other VSPs or CSPs, taking into account the terms and conditions under which the new VSP or CSP is allowed to provide Video Services or Cable Services to Subscribers in the Franchise Area.

(b) Following the Franchise modification negotiations provided for in Section 1.5.2(a), if the Franchising Authority and the Company fail to reach agreement in such negotiations, the Company may, at its option, elect to replace this Agreement by opting in to the same franchise agreement or other lawful authorization that the Franchising Authority has granted to the new VSP or CSP. If the Company so elects, the Franchising Authority shall adopt the Company's replacement agreement at the next regularly scheduled city council meeting.

(c) The Franchising Authority shall at all times enforce the state and federal ban on providing Cable Service without a franchise. The Franchising Authority's enforcement efforts shall be continuous and diligent throughout the term of this Agreement. Should the Franchising Authority not commence enforcement efforts within sixty (60) days of becoming aware of a VSP or CSP providing Video Service or Cable Service within the Franchise Area, the Company shall have the right to petition the Franchising Authority for the relief provided in Section 1.5.2 above.

(d) This Section 1.5.2 shall not apply for VSPs or CSPs providing Video Service or Cable Service in the Franchise Area under the authorization of the Georgia Consumer Choice for Television Act (O.C.G.A. § 36-76-1, *et seq.*).

1.5.3 Subsequent Change in Law. If there is a change in federal, state, or local law that provides for a new or alternative form of authorization, subsequent to the Effective Date, for a VSP or CSP utilizing the Streets to provide Video Services or Cable Services to Subscribers in the Franchise Area, or that otherwise changes the nature or extent of the obligations that the Franchising Authority may request from or impose on a VSP or CSP providing Video Services or Cable Services to Subscribers in the Franchise Area, the Franchising Authority agrees that, notwithstanding any other provision of law, upon the written request and at the option of the Company, the Franchising Authority shall: (i) permit the Company to provide Video Services or Cable Services to Subscribers in the Franchise Area on substantially the same terms and conditions as are applicable to a VSP or CSP under the changed law; (ii) modify this Agreement to comply with the changed law; or (iii) modify this Agreement to ensure competitive equity between the Company and other VSPs or CSPs, taking into account the conditions under which other VSPs or CSPs are permitted to provide Video Services or Cable Services to Subscribers in the Franchise Area. The Franchising Authority and the Company shall implement the provisions of this Section 1.5.3 within sixty (60) days after the Company submits a written request to the Franchising Authority. Should the Franchising Authority fail to implement these provisions within the time specified following a properly delivered written request from the Company, this Agreement shall, at the Company's option and upon written notice to the Franchising Authority, be deemed amended as initially requested by the Company under this Section 1.5.3. Notwithstanding any provision of law that imposes a time or other limitation on the Company's ability to take advantage of the changed law's provisions, the Company may exercise its rights under this Section 1.5.3 at any time, but not sooner than thirty (30) days after the changed law goes into effect.

1.5.4 Effect on This Agreement. Any agreement, authorization, right, or determination to provide Cable Services or Video Services to Subscribers in the Franchise Area under this Section 1.5 shall supersede this Agreement.

## SECTION 2 THE CABLE SYSTEM

### 2.1 The System and Its Operations.

2.1.1 Service Area. As of the Effective Date, the Company operates a Cable System within the Franchise Area.

2.1.2 System. As of the Effective Date, the Company maintains and operates a Cable System capable of providing over 250 Channels of Video Programming, which Channels may be delivered by analog, digital, or other transmission technologies, at the sole discretion of the Company.

2.1.3 System Technical Standards. Throughout the term of this Agreement, the Cable System shall be designed, maintained, and operated such that quality and reliability of System Signal will be in compliance with all applicable consumer electronics equipment compatibility standards, including but not limited to Section 624A of the Cable Act (47 U.S.C. § 544a) and 47 C.F.R. § 76.630, as may be amended from time to time.

2.1.4 Testing Procedures; Technical Performance. Throughout the term of this Agreement, the Company shall operate and maintain the Cable System in accordance with the testing procedures and the technical performance standards of the FCC.

### 2.2 Requirements with Respect to Work on the System.

2.2.1 General Requirements. The Company shall comply with all laws, ordinances, rules, and regulations established by the Franchising Authority pursuant to the lawful exercise of its police powers and generally applicable to all users of the Streets. To the extent that such local laws, ordinances, rules, or regulations directly conflict with the terms and conditions of this Agreement, the terms and conditions of this Agreement shall prevail, except where such conflict arises from the Franchising Authority's lawful exercise of its police powers. Any changes, modifications, or amendments to this Agreement must be made in writing and signed by both the Company and the Franchising Authority.

2.2.2 Protection of Underground Utilities. Both the Company and the Franchising Authority shall comply with the Georgia Utility Facility Protection Act (O.C.G.A. § 25-9-1, *et seq.*), relating to notification prior to excavation near underground utilities, as may be amended from time to time.

### 2.3 Permits and General Obligations.

2.3.1 The Company shall be responsible for obtaining all permits, licenses, or other forms of approval or authorization necessary to construct, operate, maintain, or repair the

Cable System, or any part thereof, prior to the commencement of any such activity. The Franchising Authority shall not charge the Company, and the Company shall not be required to pay, any fee or charge for the issuance of permits, licenses, or other approvals, as such payments are included in the franchise fees described in Section 4 below. The issuance of permits, licenses, or other approvals shall not be unreasonably delayed or withheld by the Franchising Authority. The Company shall be solely responsible, either through its employees or its authorized contractors, for constructing, installing, and maintaining the Cable System in a safe, thorough, and reliable manner in accordance with all applicable standards and using materials of good and durable quality. The Company shall assure that any person installing, maintaining, or removing its facilities is fully qualified and familiar with all applicable standards. All transmission and distribution structures, poles, other lines, and equipment installed by the Company for use in the Cable System in accordance with this Agreement shall be located so as to minimize interference with the proper use of the Streets and the rights and reasonable convenience of property owners who own property adjoining the Streets.

2.3.2 Code Compliance. The Company shall comply with all applicable building, safety, and construction codes. The parties agree that at present, Cable Systems are not subject to the low voltage regulations of the National Electric Code, National Electrical Safety Code, or other such codes or regulations. In the event that the applicable codes are revised such that Cable Systems become subject to low voltage regulations without being grandfathered or otherwise exempted, the Company will thereafter be required to comply with those regulations.

## 2.4 Conditions on Street Occupancy.

2.4.1 Alteration of Streets, Roads or Rights-of-Way. If any Street, road, or right-of-way within the Franchise Area is lawfully altered in furtherance of any governmental purpose at any time during the term of this Agreement, then the Company shall, upon at least sixty (60) days' advance written notice from the Franchising Authority and at its own cost and expense, protect or promptly alter or relocate the Cable System, or any part thereof, so as to conform with the new Street, road, or right-of-way. If the Franchising Authority determines that an emergency situation exists, then the Franchising Authority shall not be required to give the Company sixty (60) days' written notice. If public funds are hereafter available to any Person using the Street for the purpose of defraying the cost of any of the foregoing work, the Franchising Authority shall make application for such funds on behalf of the Company. The Company shall be entitled to reimbursement of a pro-rata share of its costs should any other utility be so compensated as a result of a required protection, alteration, or relocation of its facilities. The Franchising Authority hereby acknowledges that in accordance with Title VI, Section 622 of the Communications Act of 1934, as amended, the Company has the right to pass through the cost of such franchise-related costs to its subscribers, the timing, manner, and amount of which are to be at the Company's sole discretion. Notwithstanding the above, the Company shall not be liable for the cost of protecting, altering, or relocating facilities, aerial or underground, where such work is required to accommodate a private development project.

2.4.2 Relocation at Request of Third Party. The Company shall, upon reasonable prior written request of any Person holding a permit issued by the Franchising Authority to move any structure, temporarily move its wires to permit the moving of such structure; provided (i) the Company may impose a reasonable charge on any Person for the movement of its wires, and such charge may be required to be paid in advance of the movement of its wires; and (ii) the Company agrees to arrange for such temporary relocation to be accomplished as soon as reasonably practicable, not to exceed ninety (90) days without the prior agreement of the Franchising Authority.

2.4.3 Restoration of Streets. If in connection with construction, operation, maintenance, or repair of the Cable System, the Company disturbs, alters, or damages any Street, the Company agrees that it shall at its own cost and expense restore the Street according to the standards set forth in the City of Atlanta Public Right-of-Way Manual, except to the extent that such standards are more restrictive than regulations promulgated by the Georgia Department of Transportation. Unless the City's Right-of-Way Manual provides otherwise, if the Franchising Authority reasonably believes that the Company has not restored the Street appropriately, then the Franchising Authority, after providing ten (10) business days' advance written notice and a reasonable opportunity to cure, may have the Street restored and bill the Company for the cost of restoration.

2.4.4 Trimming of Trees and Shrubbery. The Company shall have the authority to trim trees or other natural growth overhanging any of its Cable System in the Franchise Area only to the extent reasonably necessary to prevent contact with the Company's wires, cables, or other equipment, the cost of which trimming shall not be borne by the Franchising Authority. All other trimming or removal of trees and shrubbery shall be subject to applicable provisions of the City Code of Ordinances.

2.4.5 Aerial and Underground Construction. If at the time of Cable System construction all of the transmission and distribution facilities of all of the respective public or municipal utilities in the construction area are underground, the Company shall place its Cable System's transmission and distribution facilities underground unless the Franchising Authority requests otherwise. At the time of Cable System construction, in any place within the Franchise Area where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, the Company shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aurally or underground; however, at such time as all existing aerial facilities of the respective public or municipal utilities are placed underground, the Company shall likewise place its facilities underground, subject to the provisions of Section 2.4.1. Company facilities placed underground at the property owner's request in any area where any of the transmission or distribution facilities of the respective public or municipal utilities are aerial shall be installed with the additional expense paid by the property owner. Nothing in this Section 2.4.5 shall be construed to require the Company to construct, operate, or maintain underground any ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

2.4.6 Use of Existing Poles. Where possible, the Company shall attach its facilities to existing utility poles and shall use all reasonable efforts to enter into a pole attachment agreement with the owners of such existing utility poles.

2.5 Change in Franchise Area. In the event that the borders of the Franchise Area change, through annexation or otherwise, the Franchising Authority shall provide to the Company written notice of such change, including an updated map and an electronic list of all addresses in the Franchise Area. The Company shall not be required to pay franchise fees on gross revenues earned from Subscribers in annexed areas until sixty (60) days after receiving such notice.

### **SECTION 3 CUSTOMER SERVICE**

Customer Service. The Company shall comply in all respects with the requirements set forth in Appendix B. Individual violations of those requirements do not constitute a breach of this Agreement.

### **SECTION 4 COMPENSATION AND OTHER PAYMENTS**

4.1 Compensation to the Franchising Authority. As compensation for the Franchise, the Company shall pay or cause to be paid to the Franchising Authority the amounts set forth in this Section 4.1.

4.1.1 Franchise Fees—Amount. The Company shall pay to the Franchising Authority franchise fees in an amount equal to five percent (5%) of Gross Revenues derived from the operation of the Cable System to provide Cable Services in the Franchise Area.

4.1.2 Franchise Fees—Payment. Payments of franchise fees shall be made on a quarterly basis and shall be remitted not later than thirty (30) days after the last day of March, June, September, and December throughout the term of this Agreement.

4.1.3 Company to Submit Franchise Fee Report. The Company shall submit to the Franchising Authority, not later than thirty (30) days after the last day of March, June, September, and December throughout the term of this Agreement, a report setting forth the basis for the computation of Gross Revenues on which the quarterly payment of franchise fees is being made, which report shall enumerate, at a minimum, the following revenue categories: limited and expanded basic video service, digital video service, premium video service, pay-per-view and video-on-demand, equipment, installation and activation, franchise fees, guide, late fees, ad sales, home shopping commissions, and bad debt.

4.1.4 Franchise Fee Payments Subject to Audit; Remedy for Underpayment. No acceptance of any franchise fee payment by the Franchising Authority shall be construed as an accord and satisfaction that the amount paid is in fact the correct amount or a release of any claim that the Franchising Authority may have for further or additional sums payable under this Agreement. The Franchising Authority may conduct an audit no more than once annually to ensure payments in accordance with this Agreement. The

audit of the Company's records shall take place at a location, in the State of Georgia, determined by the Company. The Franchising Authority is prohibited from removing any records, files, spreadsheets, or any other documents from the site of the audit. In the event that the Franchising Authority takes notes of any documents, records, or files of the Company for use in the preparation of an audit report, all notes shall be returned to the Company upon completion of the audit. The audit period shall be limited to three (3) years preceding the end of the quarter of the most recent payment. Once the Company has provided information for an audit with respect to any period, regardless of whether the audit was completed, that period shall not again be the subject of any audit.

If, as a result of an audit or any other review, the Franchising Authority determines that the Company has underpaid franchise fees in any twelve (12) month period by ten percent (10%) or more, then, in addition to making full payment of the relevant obligation, the Company shall reimburse the Franchising Authority for all of the reasonable costs associated with the audit or review, including all reasonable out of pocket costs for attorneys, accountants, and other consultants. The Franchising Authority shall provide the Company with a written notice of audit results and a copy of the final report presented to the Franchising Authority. The Company shall remit any undisputed amounts owed to the Franchising Authority as the result of the audit within forty-five (45) days, or other mutually acceptable timeframe, after the date of an executed settlement and release agreement.

4.2 Payments Not to Be Set Off Against Taxes or Vice Versa. The parties agree that the compensation and other payments to be made pursuant to this Section 4 are not a tax and are not in the nature of a tax. The Company and the Franchising Authority further agree that the provisions of O.C.G.A. § 36-76-6(h) apply to this Agreement. The Franchising Authority and the Company further agree that no additional business license fees, occupational license fees, or permit fees shall be assessed on the Company related to the provision of services for which Gross Revenues are included in the calculation of franchise fees under this Agreement or the operation of the Cable System, nor shall the Franchising Authority levy any other tax, license, fee, or assessment on the Company or its Subscribers that is not generally imposed and applicable to a majority of all other businesses.

4.3 Interest on Late Payments. If any payment required by this Agreement is not actually received by the Franchising Authority on or before the applicable date fixed in this Agreement, the Company shall pay interest thereon, from the due date to the date paid, at a rate of one percent (1%) per month.

4.4 Service to Governmental and Institutional Facilities.

4.4.1 Complimentary Installation and Service. The Company shall, within thirty (30) days of receipt of a written request by the Franchising Authority, provide complimentary standard installation and complimentary Basic Service on one outlet for each public primary or secondary school and public library located within the Franchise Area no more than one hundred twenty-five (125) feet from the nearest point of connection to the distribution plant. If a public primary or secondary school or public library within the Franchise Area is located more than one hundred twenty-five (125) feet from the nearest

point of connection to the distribution plant, the Company shall, within thirty (30) days of receipt of a written request from the Franchising Authority, provide a written estimate for the cost of extending the distribution plant to the school or library, as well as any necessary interior wiring costs.

4.4.2 Government Discounts. The Company may provide a government discount rate if the Franchising Authority requests additional outlets at a public school or public library or requests Cable Service to any other government facility within the Franchise Area.

## SECTION 5 COMPLIANCE REPORTS

5.1 Compliance. The Franchising Authority hereby acknowledges that as of the Effective Date, the Company is in material compliance with the terms and conditions of the cable franchise preceding this Agreement and all material laws, rules, and ordinances of the Franchising Authority, subject to the Franchising Authority's right to audit the Company's final quarterly franchise fee payment under the preceding franchise agreement, for the period ending December 31, 2016, and to exercise remedies for any underpayment.

5.2 Reports. Upon written request by the Franchising Authority and subject to Section 631 of the Cable Act, the Company shall promptly submit to the Franchising Authority such information as may be necessary to reasonably demonstrate the Company's compliance with any term or condition of this Agreement.

5.3 File for Public Inspection. Throughout the term of this Agreement, the Company shall maintain, in a file available for public inspection during normal business hours, those documents required pursuant to the FCC's rules and regulations.

5.4 Treatment of Proprietary Information. The Franchising Authority agrees to treat as confidential, to the maximum extent allowed under the Georgia Open Records Act (O.C.G.A. § 50-18-70, *et seq.*) or other applicable law, any requested documents submitted by the Company to the Franchising Authority that are labeled as "Confidential" or "Trade Secret" prior to submission. In the event that any documents submitted by the Company to the Franchising Authority are subject to a request for inspection or production, including but not limited to a request under the Georgia Open Records Act, the Franchising Authority shall notify the Company of the request as soon as practicable and in any case prior to the release of such information, by email or facsimile to the addresses provided in Section 10.6 of this Agreement, so that the Company may take appropriate steps to protect its interests in the requested records, including seeking an injunction against the release of the requested records. Upon receipt of said notice, the Company may review the requested records in the Franchising Authority's possession and designate as "Confidential" or "Trade Secret" any additional portions of the requested records that contain confidential or proprietary information.

5.5 Emergency Alert System. Company shall install and maintain an Emergency Alert System in the Franchise Area only as required under applicable federal and state laws. Additionally, the Franchising Authority shall permit only those Persons appropriately trained and authorized in accordance with applicable law to operate the Emergency Alert System equipment

and shall take reasonable precautions to prevent any use of the Company's Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System. The Company shall have no liability nor shall it be required to provide indemnification to the Franchising Authority for its use of the Emergency Alert System.

## SECTION 6 ENFORCEMENT

6.1 Notice of Violation. If the Franchising Authority believes that the Company has not complied with the terms of this Agreement, the Franchising Authority shall first informally discuss the matter with the Company. If discussions do not lead to a resolution of the problem, the Franchising Authority shall notify the Company in writing of the nature of the alleged noncompliance ("Violation Notice").

6.2 Company's Right to Cure or Respond. The Company shall have thirty (30) days from the receipt of the Violation Notice, or any longer period specified by the Franchising Authority, to respond; cure the alleged noncompliance; or, if the alleged noncompliance, by its nature, cannot be cured within thirty (30) days, initiate reasonable steps to remedy the matter and provide the Franchising Authority a projected resolution date in writing.

6.3 Hearing. If the Company fails to respond to the Violation Notice received from the Franchising Authority, or the alleged noncompliance is not remedied within the cure period set forth above, the Franchising Authority's governing body shall schedule a hearing if it intends to continue its investigation into the matter. The Franchising Authority shall provide the Company at least thirty (30) days' prior written notice of the hearing, specifying the time, place, and purpose of the hearing. The Company shall have the right to present evidence and to question witnesses. The Franchising Authority shall determine if the Company has committed a violation and shall make written findings of fact relative to its determination. If a violation is found, the Company may petition for reconsideration before any competent tribunal having jurisdiction over such matters.

6.4 Enforcement. Subject to applicable federal and state law, if after the hearing provided for in Section 6.3, the Franchising Authority determines that the Company is in default of the provisions addressed in the Violation Notice, the Franchising Authority may

- (a) seek specific performance;
- (b) commence an action at law for monetary damages or seek other equitable relief; or
- (c) in the case of a substantial default of a material provision of this Agreement, seek to revoke the Franchise in accordance with subsection 6.5 below.

6.5 Revocation.

6.5.1 After the hearing and determination provided for in Section 6.3 and prior to the revocation or termination of the Franchise, the Franchising Authority shall give written notice to the Company of its intent to revoke the Franchise on the basis of an alleged substantial default of a material provision of this Agreement. The notice shall set forth

the exact nature of the alleged default. The Company shall have thirty (30) days from receipt of such notice to submit its written objection to the Franchising Authority or to cure the alleged default. If the Franchising Authority is not satisfied with the Company's response, the Franchising Authority may seek to revoke the Franchise at a public hearing. The Company shall be given at least thirty (30) days' prior written notice of the public hearing, specifying the time and place of the hearing and stating the Franchising Authority's intent to revoke the Franchise.

6.5.2 At the public hearing, the Company shall be permitted to state its position on the matter, present evidence, and question witnesses, after which the Franchising Authority's governing board shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Company within ten (10) business days. The decision of the Franchising Authority's governing board shall be made in writing and shall be delivered to the Company. The Company may appeal such decision to an appropriate court, which shall have the power to review *de novo* the decision of the Franchising Authority's governing board. The Company may continue to operate the Cable System until all legal appeals procedures have been exhausted.

6.5.3 Notwithstanding the provisions of this Section 6, the Company does not waive any of its rights under federal law or regulation.

## SECTION 7 ASSIGNMENTS AND OTHER TRANSFERS

The Franchise shall be fully transferable to any successor in interest to the Company. A notice of transfer shall be filed by the Company to the Franchising Authority within forty-five (45) days of such transfer. The transfer notification shall consist of an affidavit signed by an officer or general partner of the transferee that contains the following:

- (a) an affirmative declaration that the transferee shall comply with the terms and conditions of this Agreement, all applicable federal, state, and local laws, regulations, and ordinances regarding the placement and maintenance of facilities in any public right-of-way that are generally applicable to users of the public right-of-way and specifically including the Georgia Utility Facility Protection Act (O.C.G.A. § 25-9-1, *et seq.*);
- (b) a description of the transferee's service area; and
- (c) the location of the transferee's principal place of business and the name or names of the principal executive officer or officers of the transferee.

## SECTION 8 INSURANCE AND INDEMNITY

### 8.1 Insurance.

8.1.1 Liability Insurance. Throughout the term of this Agreement, the Company shall, at its sole expense, maintain comprehensive general liability insurance, issued by a

company licensed to do business in the State of Georgia with a rating of not less than “A minus,” and provide the Franchising Authority certificates of insurance demonstrating that the Company has obtained the insurance required in this Section 8.1.1. This liability insurance policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death of any one person, One Million Dollars (\$1,000,000.00) for bodily injury or death of any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. The policy or policies shall not be canceled except upon thirty (30) days’ prior written notice of cancellation to the City.

8.1.2 Workers’ Compensation. The Company shall ensure its compliance with the Georgia Workers’ Compensation Act.

8.2 Indemnification. The Company shall indemnify, defend, and hold harmless the Franchising Authority, its officers, employees, and agents acting in their official capacities from and against any liability or claims resulting from property damage or bodily injury (including accidental death) that arise out of the Company’s construction, operation, maintenance, or removal of the Cable System, including, but not limited to, reasonable attorneys’ fees and costs, provided that the Franchising Authority shall give the Company written notice of its obligation to indemnify and defend the Franchising Authority within ten (10) business days of receipt of a claim or action pursuant to this Section 8.2. If the Franchising Authority determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the Franchising Authority.

8.3 Liability and Indemnity. In accordance with Section 635A of the Cable Act, the Franchising Authority, its officials, employees, members, or agents shall have no liability to the Company arising from the regulation of Cable Service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this Franchise. Any relief, to the extent such relief is required by any other provision of federal, state, or local law, shall be limited to injunctive relief and declaratory relief.

## SECTION 9 PUBLIC, EDUCATION, GOVERNMENT ACCESS

9.1 Channel Capacity. Throughout the term of this Agreement, the Company shall make available Channel capacity, up to five (5) fully dedicated Channel positions, on the digital tier, to be designated for non-commercial, non-revenue-generating public, educational, or governmental (“PEG”) access purposes. Unused time on the PEG Channel positions may be utilized by the Company subject to terms to be mutually agreed upon by the Company and the Franchising Authority.

9.2 Programming Obligations. The Franchising Authority certifies and commits to producing eight (8) hours per week of non-duplicative original programming on each activated PEG Channel position throughout the term of the Agreement. Should the Franchising Authority fail to maintain eight (8) hours of programming per week for any period of three (3) consecutive months on any PEG Channel, the Company may reclaim that Channel position for its own use. For purposes of this Agreement, original programming includes programming produced

specifically for, about, or by the City of Atlanta, Fulton County, or citizens thereof. Character-generated messages, video bulletin board messages, traffic cameras, or other passively produced content shall not count towards the programming obligations of this Agreement. To allow the Franchising Authority to conduct a competitive process for the procurement of programming providers, as required by the City of Atlanta Procurement and Real Estate Code, the provisions of this Section 9.2 shall take effect six (6) months after the Effective Date, before which time, the Franchising Authority's PEG programming obligations will be governed by the terms and conditions of the cable franchise preceding this Agreement. This initial six (6) month period may be extended upon a timely request from the Franchising Authority subject to the Company's agreement, which shall not be unreasonably withheld.

9.3 Channel Positions. At any time during the term of this Agreement and at the Company's sole option and discretion, the Company may (i) change the transmission technology by which PEG access programming is delivered to Subscribers, provided, however, that the quality of PEG access programming transmitted over the Cable System to Subscribers is of a quality comparable to that which was delivered to the Company by the PEG programmer, or (ii) relocate any PEG programming to a Channel position on its lowest digital tier service delivered to all of the Company's Subscribers. The Company shall notify the Franchising Authority at least thirty (30) days in advance of such changes.

9.4 Interconnection with other Cable and Video Service Providers. Upon written request of the Franchising Authority, the Company shall interconnect with other cable and video systems in the Franchise Area as required by O.C.G.A. § 36-76-8(i). This subsection 9.4 shall not be construed to mean that the Company is responsible for costs of said interconnection.

9.5 Ownership. The Company does not relinquish its ownership of its ultimate right of control over a Channel position by designating it for PEG access use. A PEG access user, whether such user is an individual, educational, or governmental user, acquires no property or other interest in the Channel position by virtue of the use of a Channel position so designated.

9.6 Equipment. It shall be the sole responsibility of the Franchising Authority to obtain, provide, and maintain any equipment necessary to produce and cablecast PEG programming over the Cable System. The Company shall not be responsible for obtaining, providing, or maintaining any such equipment.

9.7 No Liability. The Company shall have no liability nor shall it be required to provide indemnification to the Franchising Authority for PEG programming cablecast over the Cable System.

9.8 PEG Support. Within sixty (60) days of the expiration of the initial six (6) month period described in Section 9.2 above, and any agreed-upon extension of same, the Company shall provide a one-time PEG capital grant in the amount of Five Hundred Thousand Dollars (\$500,000) to the Franchising Authority. The PEG capital grant shall be used exclusively by the Franchising Authority for capital costs associated with the PEG Channel positions described in Section 9.1, unless agreed to otherwise in writing by both the Company and the Franchising Authority. The Franchising Authority will seek to obtain comparable support from all other Cable Service Providers and Video Service Providers in the Franchise Area as provided in the

Georgia Consumer Choice for Television Act (O.C.G.A. § 36-76-1, *et seq.*). The Franchising Authority shall administer the grant funds in a manner consistent with all applicable laws, including, without limitation, the City of Atlanta Code of Ordinances. The Franchising Authority and the Company agree that the Company may pass this PEG capital grant directly through to Subscribers as an individual line item in accordance with 47 U.S.C. §542 or other applicable law. Such grant relieves the Company from any further capital expenditures related to PEG access in the Franchise Area during the term of this Agreement. If, during the term of this Agreement, the PEG Channel positions should be reclaimed by the Company pursuant to Section 9.2 above, the parties will negotiate the redirection of any balance remaining from the \$500,000 payment to a mutually agreeable program to enhance digital inclusion efforts.

9.9. Digital Inclusion. The Franchising Authority acknowledges the Company's support of digital literacy and STEM programs in the Franchise Area through grants to non-profit organizations. The Franchising Authority and the Company have agreed to work together to further support broadband adoption and digital literacy throughout the City.

## SECTION 10 MISCELLANEOUS

10.1 Controlling Authorities. This Agreement is made with the understanding that its provisions are controlled by the Cable Act, other federal laws, state laws, and all applicable local laws, ordinances, and regulations, except as provided in Section 2.2.1 above.

10.2 Appendices. The Appendices to this Agreement and all portions thereof are, except as otherwise specified in this Agreement, incorporated by reference in and expressly made a part of this Agreement.

10.3 Enforceability of Agreement; No Opposition. By execution of this Agreement, the Company and the Franchising Authority acknowledge the validity of the terms and conditions of this Agreement under applicable law in existence on the Effective Date and represent that, to the best of their knowledge, this Agreement, the Franchise, and the processes and procedures pursuant to which this Agreement was entered into and the Franchise was granted are consistent with the applicable law in existence on the Effective Date.

10.4 Governmental Powers. The Franchising Authority expressly reserves the right to exercise the full scope of its powers, including both its police power and contracting authority, to promote the public interest and to protect the health, safety, and welfare of the citizens of the City of Atlanta, Georgia.

10.5 Entire Agreement. This Agreement, including all Appendices, embodies the entire understanding and agreement of the Franchising Authority and the Company with respect to the subject matter hereof and merges and supersedes all prior representations, agreements, and understandings, whether oral or written, between the Franchising Authority and the Company with respect to the subject matter hereof, including, without limitation, all prior drafts of this Agreement and any Appendix to this Agreement, and any and all written or oral statements or representations by any official, employee, agent, attorney, consultant, or independent contractor of the Franchising Authority or the Company. All ordinances or parts of ordinances or other

agreements between the Company and the Franchising Authority that are in conflict with the provisions of this Agreement are hereby declared invalid and superseded.

10.6 Notices. All notices shall be in writing and shall be sufficiently given and served upon the other party by first class mail, registered or certified, return receipt requested, postage prepaid; by third-party commercial carrier; or via facsimile (with confirmation of transmission) and addressed as follows:

THE FRANCHISING AUTHORITY:  
Office of the Mayor  
City of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

With a copy to: City of Atlanta Law Department  
Attn: City Attorney  
55 Trinity Avenue, Suite 5000  
Atlanta, GA 30303

COMPANY:  
Comcast Cable Communications, LLC  
Attn: Vice President, Government Affairs  
6200 The Corners Parkway, Suite 200  
Norcross, GA 30092

With a copy to: Comcast Cable Communications, LLC  
Attn: Vice President, Government Affairs  
600 Galleria Parkway, Suite 1100  
Atlanta, GA 30339

And: Comcast Cable Communications, LLC  
Attn: Legal Dept.  
One Comcast Center  
Philadelphia, PA 19103

10.7 Additional Representations and Warranties. In addition to the representations, warranties, and covenants of the Company to the Franchising Authority set forth elsewhere in this Agreement, the Company represents and warrants to the Franchising Authority and covenants and agrees (which representations, warranties, covenants and agreements shall not be affected or waived by any inspection or examination made by or on behalf of the Franchising Authority) that, as of the Effective Date:

10.7.1 Organization, Standing, and Authorization. The Company is a limited liability company validly existing and in good standing under the laws of the State of Delaware and is duly authorized to do business in the State of Georgia and in the Franchise Area.

Attachment: 16-O-1599 DRAFT Comcast Franchise Agreement (16-O-1599 : CITY OF ATLANTA AND COMCAST AGREEMENT)

10.7.2 Compliance with Law. The Company, to the best of its knowledge, has obtained all government licenses, permits, and authorizations necessary for the operation and maintenance of the Cable System.

10.8 Maintenance of System in Good Working Order. Until the termination of this Agreement and the satisfaction in full by the Company of its obligations under this Agreement, in consideration of the Franchise, the Company agrees that it will maintain all of the material properties, assets, and equipment of the Cable System, and all such items added in connection with any upgrade, in good repair and proper working order and condition throughout the term of this Agreement.

10.9 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, permitted transferees, and assigns. All of the provisions of this Agreement apply to the Company, its successors, and assigns.

10.10 No Waiver; Cumulative Remedies. No failure on the part of the Franchising Authority or the Company to exercise, and no delay in exercising, any right or remedy hereunder including, without limitation, the rights and remedies set forth in this Agreement, shall operate as a waiver thereof, nor shall any single or partial exercise of any such right or remedy preclude any other right or remedy, all subject to the conditions and limitations established in this Agreement. The rights and remedies provided in this Agreement including, without limitation, the rights and remedies set forth in Section 6 of this Agreement, are cumulative and not exclusive of any remedies provided by law, and nothing contained in this Agreement shall impair any of the rights or remedies of the Franchising Authority or Company under applicable law, subject in each case to the terms and conditions of this Agreement.

10.11 Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Agreement is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions of this Agreement, which shall continue in full force and effect.

10.12 No Agency. The Company shall conduct the work to be performed pursuant to this Agreement as an independent entity and not as an agent of the Franchising Authority.

10.13 Governing Law. This Agreement shall be deemed to be executed in the City of Atlanta, State of Georgia, and shall be governed in all respects, including validity, interpretation, and effect, by and construed in accordance with the laws of the State of Georgia, as applicable to contracts entered into and to be performed entirely within that state.

10.14 Claims Under Agreement. The Franchising Authority and the Company, agree that, except to the extent inconsistent with Section 635 of the Cable Act (47 U.S.C. § 555), any and all claims asserted by or against the Franchising Authority arising under this Agreement or related thereto shall be heard and determined either in a court of the United States located in Georgia (“Federal Court”) or in a court of the State of Georgia of appropriate jurisdiction (“Georgia State Court”). To effectuate this Agreement and intent, the Company agrees that if the Franchising

Authority initiates any action against the Company in Federal Court or in Georgia State Court, service of process may be made on the Company either in person or by registered mail addressed to the Company at its offices as defined in Section 10.6, or to such other address as the Company may provide to the Franchising Authority in writing.

10.15 Modification. The Company and Franchising Authority may at any time during the term of this Agreement seek a modification, amendment, or waiver of any term or condition of this Agreement. No provision of this Agreement nor any Appendix to this Agreement shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the Franchising Authority and the Company, which amendment shall be authorized on behalf of the Franchising Authority through the adoption of an appropriate resolution, letter of agreement, or order by the Franchising Authority, as required by applicable law.

10.16 Delays and Failures Beyond Control of Company. Notwithstanding any other provision of this Agreement, the Company shall not be liable for delay in performance of, or failure to perform, in whole or in part, its obligations pursuant to this Agreement due to strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, technical failure, sabotage, or other events, where the Company has exercised all due care in the prevention thereof, to the extent that such causes or other events are beyond the control of the Company and such causes or events are without the fault or negligence of the Company. In the event that any such delay in performance or failure to perform affects only part of the Company's capacity to perform, the Company shall perform to the maximum extent it is able to do so and shall take all steps within its power to correct such cause(s). The Company agrees that in correcting such cause(s), it shall take all reasonable steps to do so in as expeditious a manner as possible. The Company shall promptly notify the Franchising Authority in writing of the occurrence of an event covered by this Section 10.16.

10.17 Duty to Act Reasonably and in Good Faith. The Company and the Franchising Authority shall fulfill their obligations and exercise their rights under this Agreement in a reasonable manner and in good faith. Notwithstanding the omission of the words "reasonable," "good faith," or similar terms in the provisions of this Agreement, every provision of this Agreement is subject to this section.

10.18 Contractual Rights Retained. Nothing in this Agreement is intended to impair the contractual rights of the Franchising Authority or the Company under this Agreement.

10.19 No Third-Party Beneficiaries. Nothing in this Agreement, or any prior agreement, is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

IN WITNESS WHEREOF, the party of the first part, by its Mayor, thereunto duly authorized by the City Council of said Franchising Authority, has caused the corporate name of said Franchising Authority to be hereunto signed and the corporate seal of said Franchising Authority to be hereunto affixed, and the Company, the party of the second part, by its officers thereunto duly authorized, has caused its name to be hereunto signed and its seal to be hereunto affixed as of the date and year first above written.

**City of Atlanta, Georgia**

By: \_\_\_\_\_  
Name: Kasim Reed  
Title: Mayor  
(Seal)

Attest: \_\_\_\_\_

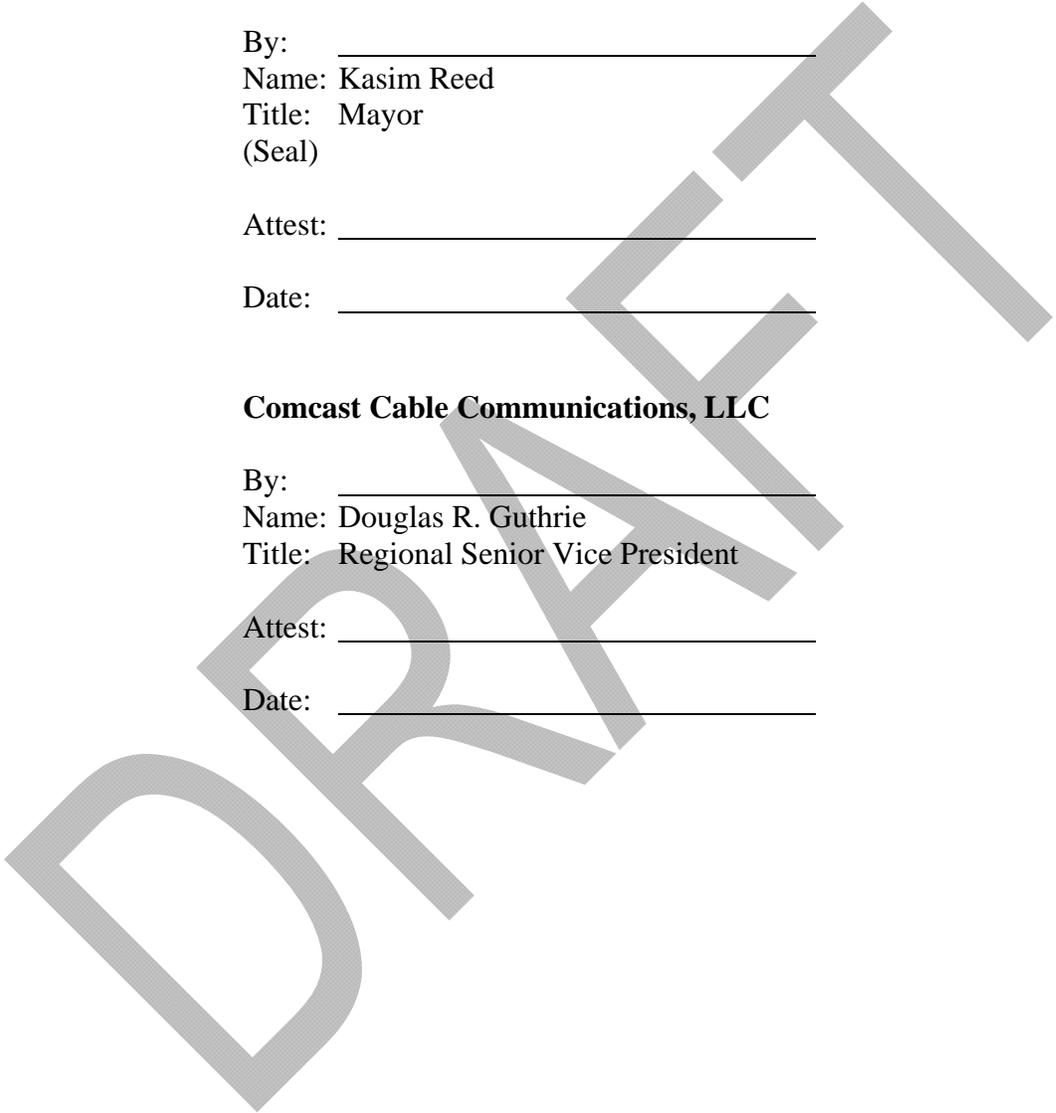
Date: \_\_\_\_\_

**Comcast Cable Communications, LLC**

By: \_\_\_\_\_  
Name: Douglas R. Guthrie  
Title: Regional Senior Vice President

Attest: \_\_\_\_\_

Date: \_\_\_\_\_



Attachment: 16-O-1599 DRAFT Comcast Franchise Agreement (16-O-1599 : CITY OF ATLANTA AND COMCAST AGREEMENT)

## APPENDIX A DEFINED TERMS

*For purposes of the Agreement to which this Appendix A is appended, the following terms, phrases, words, and their derivations shall have the meanings set forth herein, unless the context clearly indicates that another meaning is intended.*

“**Agreement**” means the Agreement to which this Appendix A is appended, together with all Appendices attached thereto and all amendments or modifications thereto.

“**Basic Service**” means any service tier that includes the retransmission of local television broadcast Signals and any equipment or installation used in connection with Basic Service.

“**Cable Act**” means Title VI of the Communications Act of 1934 as amended, 47 U.S.C. § 521, *et seq.*

“**Cable Service**” means the one-way transmission to Subscribers of Video Programming or other programming service and Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service. “Cable Service” does not include any Video Programming provided by a commercial mobile service provider as defined in 47 U.S.C. §332(d).

“**Cable Service Provider**” or “**CSP**” means any person or group of persons (A) who provides Cable Service over a Cable System and directly or through one or more affiliates owns a significant interest in such Cable System, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System.

“**Cable System**” means a facility, consisting of a set of closed transmission paths and associated Signal generation, reception, and control equipment, that is designed to provide Cable Service, which includes Video Programming and which is provided to multiple Subscribers within a community, but “Cable System” does not include:

- (A) a facility that serves only to retransmit the television Signals of one (1) or more television broadcast stations;
- (B) a facility that serves Subscribers without using any public right-of-way as defined herein;
- (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§201–276, except that such facility shall be considered a Cable System, other than for purposes of 47 U.S.C. § 541(c), to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;
- (D) an open video system that complies with 47 U.S.C. § 573; or

(E) any facilities of any electric utility used solely for operating its electric utility system.

“**Channel**” means a “cable channel” or “channel” as defined in 47 U.S.C. § 522(4).

“**Company**” means Comcast Cable Communications, LLC, a limited liability company validly existing under the laws of the State of Delaware, or lawful successor, transferee, designee, or assignee thereof.

“**FCC**” means the Federal Communications Commission, its designee, or any successor thereto.

“**Franchise Area**” means the incorporated areas of the City of Atlanta, Georgia, including any areas annexed by the Franchising Authority during the term of the Franchise.

“**Franchising Authority**” means the City of Atlanta, Georgia, or lawful successor, transferee, designee, or assignee thereof.

“**Gross Revenues**” means all revenues received from Subscribers for the provision of Cable Service or Video Service, including franchise fees for Cable Service Providers and Video Service Providers and advertising and home shopping services, and shall be determined in accordance with Generally Accepted Accounting Principles (“GAAP”). Gross Revenues shall not include:

(A) amounts billed and collected as a line item on the Subscriber’s bill to recover any taxes, surcharges, or governmental fees that are imposed on or with respect to the services provided or measured by the charges, receipts, or payments therefore; provided, however, that for purposes of this definition of “Gross Revenue,” such tax, surcharge, or governmental fee shall not include any ad valorem taxes, net income taxes, or generally applicable business or occupation taxes not measured exclusively as a percentage of the charges, receipts, or payments for services to the extent such charges are passed through as a separate line item on Subscriber’s bills;

(B) any revenue not actually received, even if billed, such as bad debt;

(C) any revenue received by any affiliate or any other person in exchange for supplying goods or services used by the provider to provide Cable or Video Programming;

(D) any amounts attributable to refunds, rebates, or discounts;

(E) any revenue from services provided over the network that are associated with or classified as non-Cable or non-Video Services under federal law, including, without limitation, revenues received from telecommunications services, information services other than Cable or Video Services, Internet access services, directory or Internet advertising revenue including, without limitation, yellow

pages, white pages, banner advertisements, and electronic publishing advertising. Where the sale of any such non-Cable or non-Video Service is bundled with the sale of one or more Cable or Video Services and sold for a single non-itemized price, the term “Gross Revenues” shall include only those revenues that are attributable to Cable or Video Services based on the provider’s books and records, such revenues to be allocated in a manner consistent with generally accepted accounting principles;

(F) any revenue from late fees not initially booked as revenues, returned check fees or interest;

(G) any revenue from sales or rental of property, except such property as the Subscriber is required to buy or rent exclusively from the Cable or Video Service Provider to receive Cable or Video Service;

(H) any revenue received from providing or maintaining inside wiring;

(I) any revenue from sales for resale with respect to which the purchaser is required to pay a franchise fee, provided the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect thereto; or

(J) any amounts attributable to a reimbursement of costs including, but not limited to, the reimbursements by programmers of marketing costs incurred for the promotion or introduction of Video Programming.

“**Person**” means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit, but shall not mean the Franchising Authority.

“**Signal**” means any transmission of radio frequency energy or of optical information.

“**Streets**” means the surface of, and the space above and below, any and all streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers, public grounds, and public places or waters within and belonging to the Franchising Authority and any other property within the Franchise Area to the extent to which there exist public easements or public rights-of-way.

“**Subscriber**” means any Person lawfully receiving Video Service from a Video Service Provider or Cable Service from a Cable Service Provider.

“**Video Programming**” means programming provided by or generally considered comparable to programming provided by a television broadcast station, as set forth in 47 U.S.C. § 522(20).

“**Video Service**” means the provision of Video Programming through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any Video

Programming provided by a commercial mobile service provider as defined in 47 U.S.C. § 332(d) or Video Programming provided as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

“**Video Service Provider**” or “**VSP**” means an entity providing Video Service as defined herein, but does not include a Cable Service Provider.

DRAFT

Attachment: 16-O-1599 DRAFT Comcast Franchise Agreement (16-O-1599 : CITY OF ATLANTA AND COMCAST AGREEMENT)

**APPENDIX B  
CUSTOMER SERVICE STANDARDS**

Code of Federal Regulations  
Title 47, Volume 4, Parts 70 to 79  
Revised as of October 1, 1998  
From the U.S. Government Printing Office via GPO Access  
47 C.F.R. § 76.309  
Page 561–63

TITLE 47—TELECOMMUNICATION  
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION  
PART 76—CABLE TELEVISION SERVICE  
Subpart H—General Operating Requirements

**§ 76.309 Customer service obligations.**

- (a) A cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.
- (b) Nothing in this rule should be construed to prevent or prohibit:
- (1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in paragraph (c) of this section;
  - (2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in paragraph (c) of this section and are contained in current franchise agreements;
  - (3) Any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or
  - (4) The establishment or enforcement of any State or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by the standards set forth in paragraph (c) of this section.
- (c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:
- (1) Cable system office hours and telephone availability—
    - (i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.
      - (A) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(ii) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(v) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(2) Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

(ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

## (3) Communications between cable operators and cable subscribers—

## (i) Notifications to subscribers—

(A) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

- (1) Products and services offered;
- (2) Prices and options for programming services and conditions of subscription to programming and other services;
- (3) Installation and service maintenance policies;
- (4) Instructions on how to use the cable service;
- (5) Channel positions programming carried on the system; and,
- (6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(B) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by paragraph (c)(3)(i)(A) of this section. Notwithstanding any other provision of Part 76, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

## (ii) Billing—

(A) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(B) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.

## (iii) Refunds—Refund checks will be issued promptly, but no later than either—

(A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(B) The return of the equipment supplied by the cable operator if service is terminated.

## (iv) Credits—Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions—

(i) Normal business hours—The term “normal business hours” means those hours during which most similar businesses in the community are open to serve customers. In all cases, “normal business hours” must include some evening hours at least one night per week and/or some weekend hours.

(ii) Normal operating conditions—The term “normal operating conditions” means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(iii) Service interruption—The term “service interruption” means the loss of picture or sound on one or more cable channels.

[58 FR 21109, Apr. 19, 1993, as amended at 61 FR 18977, Apr. 30, 1996]

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.  
(HELD 3/16/15 AT THE REQUEST OF THE DEPARTMENT)**

WHEREAS, the City of Atlanta (“City”) authorized FC-4906D, Architectural, Engineering and Design Services (“Agreement”) with Brown and Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture, on behalf of the Departments of Planning and Community Development, Public Works, Watershed Management, Parks, Recreation and Cultural Affairs, and the Office of Enterprise Asset Management, pursuant to Resolution No. 09-R-1635; and

WHEREAS, the term of the Agreement is for two (2) years with three (3) one (1) year renewal options to be exercised at the City’s sole discretion, effective December 21, 2009 through December 20, 2011; and

WHEREAS, the City authorized Amendment No. 1 to include the site and funding for the Atlanta Police Department for the issuance of a Task Order to provide professional architectural, engineering and design services for the construction of the Atlanta Police Department Crime Lab in an amount not to exceed Two Hundred Twenty Thousand, Seven Hundred Sixty Eight Dollars and Zero Cents (\$220,768.00), pursuant to Resolution No. 11-R-0648; and

WHEREAS, the City authorized Renewal No. 1 of the Agreement with a term of December 21, 2011 through December 20, 2012, pursuant to Resolution No. 11-R-1726; and

WHEREAS, the City authorized Renewal No. 2 of the Agreement with a term of December 21, 2012 through December 20, 2013, pursuant to Resolution No. 12-R-1649; and

WHEREAS, the City authorized Renewal No. 3 of the Agreement with a term of December 21, 2013 through December 20, 2014, pursuant to Resolution No. 13-R-3772; and

WHEREAS, the City executed a ninety (90) day extension that extended the term of the Agreement to March 20, 2015; and

WHEREAS, the City authorized a six month extension of Renewal No. 3 commencing March 21, 2015, pursuant to Ordinance No. 15-O-1070 adopted by the Atlanta City Council on February 17, 2015 and approved on February 26, 2015 pursuant City Charter Section 2-403 of the City of Atlanta's Code of Ordinances; and

WHEREAS, the Department of Watershed Management requires engineering services to develop Watershed Improvement Plans for the Utoy, Sugar, Sandy, Intrenchment, and Proctor Creek watersheds that will assess water quality and watershed conditions, identify improvement projects and activities to improve watershed conditions, and develop recommended action plans; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends issuing a Task Order for Architectural, Engineering and Design services to Brown and Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture in an amount not to exceed Nine Hundred Eighty-Eight Thousand, Two Hundred Fifty Dollars and Zero Cents (\$988,250.00) for the Watershed Improvement Plans Project for the Utoy, Sugar, Sandy, Intrenchment, and Proctor Creek Watersheds.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to issue a Task Order to Brown and Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture for FC-4906D, Architectural, Engineering and Design Services in an amount not to exceed Nine Hundred Eighty-Eight Thousand, Two Hundred Fifty Dollars and Zero Cents (\$988,250.00) for the Watershed Improvement Plans Project for the Utoy, Sugar, Sandy, Intrenchment, and Proctor Creek Watersheds; and

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund Department Organization and Account Number 5052 (Water & Wastewater R&E Fund) 170302 (Watershed Planning and Design 5212001 (Consulting/Professional Services) 1535000 (Data Processing Management) and Project Award Task Expenditure and Organization Number 17111688 (Watershed Impr. Planning & Design Services) 102 (Characterization Projects) 505221391 (Water & Wastewater R&E Fund) 5212001 (Consulting/Professional Services) COA.

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-R-3294

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.**

**(Held 3/16/15 at the request of the Department)**

**Workflow List:**

Jo Ann Macrina	Completed	02/13/2015 11:40 AM
Patrick McShane	Completed	02/13/2015 12:17 PM
Finance	Completed	02/13/2015 2:52 PM
Procurement	Completed	02/20/2015 5:11 PM
Adam Smith	Completed	02/20/2015 5:15 PM
Mayor's Office	Completed	02/26/2015 11:48 AM
Office of Research and Policy Analysis	Completed	02/27/2015 4:48 PM
City Utilities Committee	Completed	03/16/2015 10:15 AM
Atlanta City Council	Completed	03/16/2015 1:00 PM
City Utilities Committee	Completed	03/24/2015 9:30 AM
Atlanta City Council	Completed	04/20/2015 1:00 PM
City Utilities Committee	Completed	04/28/2015 9:30 AM
Atlanta City Council	Completed	05/04/2015 1:00 PM
City Utilities Committee	Completed	05/12/2015 9:30 AM
Atlanta City Council	Completed	05/18/2015 1:00 PM
City Utilities Committee	Completed	05/26/2015 9:30 AM
Atlanta City Council	Completed	06/01/2015 1:00 PM
City Utilities Committee	Completed	06/09/2015 9:30 AM
Atlanta City Council	Completed	06/15/2015 1:00 PM
City Utilities Committee	Completed	06/23/2015 9:30 AM
Atlanta City Council	Completed	07/06/2015 1:00 PM
City Utilities Committee	Completed	07/14/2015 9:30 AM
Atlanta City Council	Completed	07/20/2015 1:00 PM
City Utilities Committee	Completed	07/28/2015 9:30 AM
Atlanta City Council	Completed	08/17/2015 1:00 PM

Last Updated: 10/14/15

15-R-3294

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City Utilities Committee	Completed	08/25/2015 9:30 AM
Atlanta City Council	Completed	09/08/2015 1:00 PM
City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM
City Utilities Committee	Completed	03/15/2016 9:30 AM
Atlanta City Council	Completed	03/21/2016 1:00 PM
City Utilities Committee	Completed	03/29/2016 9:30 AM
Atlanta City Council	Completed	04/18/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Completed	06/06/2016 1:00 PM
City Utilities Committee	Completed	06/14/2016 9:30 AM
Atlanta City Council	Completed	06/20/2016 1:00 PM
City Utilities Committee	Completed	06/28/2016 9:30 AM
Atlanta City Council	Completed	07/05/2016 1:00 PM
City Utilities Committee	Completed	07/12/2016 9:30 AM
City Utilities Committee	Completed	07/12/2016 9:30 AM
Atlanta City Council	Completed	07/18/2016 1:00 PM
City Utilities Committee	Completed	07/26/2016 9:30 AM
Atlanta City Council	Completed	08/15/2016 1:00 PM
City Utilities Committee	Completed	08/23/2016 9:30 AM
Atlanta City Council	Completed	09/06/2016 1:00 PM
City Utilities Committee	Completed	09/13/2016 9:30 AM
City Utilities Committee	Completed	09/13/2016 9:30 AM
Atlanta City Council	Completed	09/19/2016 1:00 PM
City Utilities Committee	Completed	09/27/2016 9:30 AM
Atlanta City Council	Completed	10/03/2016 1:00 PM
City Utilities Committee	Completed	10/11/2016 9:30 AM
Atlanta City Council	Completed	10/17/2016 1:00 PM
City Utilities Committee	Completed	10/25/2016 9:30 AM
Atlanta City Council	Completed	11/07/2016 1:00 PM

City Utilities Committee  
 Atlanta City Council  
 City Utilities Committee  
 Mayor's Office

Completed 11/15/2016 9:30 AM  
 Completed 11/21/2016 1:00 PM  
 Pending 11/29/2016 9:30 AM  
 Pending

**HISTORY:**

03/16/15 City Utilities Committee HELD IN COMMITTEE

**RESULT: HELD IN COMMITTEE**

03/16/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 3/24/2015 9:30 AM**

03/24/15 City Utilities Committee HELD IN COMMITTEE

**RESULT: HELD IN COMMITTEE Next: 4/20/2015 1:00 PM**

04/20/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 4/28/2015 9:30 AM**

04/28/15 City Utilities Committee FAVORABLE

**RESULT: FAVORABLE [UNANIMOUS] Next: 5/4/2015 1:00 PM**  
**AYES:** Archibong, Young Jr., Adrean, Dickens, Sheperd, Shook, Wan

05/04/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 5/12/2015 9:30 AM**

05/12/15 City Utilities Committee HELD IN COMMITTEE

**RESULT: HELD IN COMMITTEE Next: 5/18/2015 1:00 PM**

05/18/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 5/26/2015 9:30 AM**

05/26/15 City Utilities Committee HELD IN COMMITTEE

**RESULT: HELD IN COMMITTEE Next: 6/1/2015 1:00 PM**

06/01/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 6/9/2015 9:30 AM**

06/09/15 City Utilities Committee HELD IN COMMITTEE

**RESULT: HELD IN COMMITTEE**

06/15/15 Atlanta City Council RETURNED AS HELD

**RESULT: RETURNED AS HELD Next: 6/23/2015 9:30 AM**

06/23/15 City Utilities Committee HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
07/06/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/14/2015 9:30 AM</b>
07/14/15	City Utilities Committee	
07/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/28/2015 9:30 AM</b>
07/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/17/2015 1:00 PM</b>
08/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/25/2015 9:30 AM</b>
08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/15/2015 9:30 AM</b>
09/15/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/21/2015 1:00 PM</b>
09/21/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Maisha L. Wood

Contact Number: 404-330-6887

Originating Department: Watershed Management

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: January 9, 2015

Anticipated Committee Meeting Date(s): January 27, 2015

Anticipated Full Council Date: February 2, 2015

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer's Signature: [Signature]

Chief Information Officer Signature (for IT procurements) n/a

*KN* Chief Procurement Officer Signature: [Signature]

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any) \$988,250.00

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date)

Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: MM Davis 2/5/15 (date)

Reviewed by: [Signature] (date)

Submitted to Council: \_\_\_\_\_ (date)

**B. To be completed by the department:****1. Please provide a summary of the purpose of this legislation (Justification Statement).****A. To be completed by Legislative Counsel:****Committee of Purview:** City Utilities

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.

**Council Meeting Date:** February 2, 2015**Requesting Dept.:** Watershed Management

The purpose of this legislation is to request authorization to issue a Task Order to Brown and Caldwell, Inc. and Delor Hampton & Associates, a Joint Venture for FC-4906-D, Architectural, Engineering and Design Services for the purpose of providing engineering services in developing Watershed Improvement Plans for four identified Creek Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$988,250.00.

As a requirement to the City's wastewater reclamation centers (WRCs) NPDES permits and as a requirement of the Metropolitan North Georgia Water Planning District (Metro District), the City is required to implement watershed improvement as related to water quality needs. Watershed Improvement Plans assess water quality and watershed conditions, identify improvement projects and activities to improve watershed conditions, and develop recommended action plans for the Utoy, Sugar, Sandy, Intrenchment, and Proctor Creek Watersheds within the city limits.

**2. Please provide background information regarding this legislation.**

The purpose of the Watershed Improvement Plans are to identify water quality impacts and sources of environmental stressors (urban runoff, construction, point sources, etc.) and recommend projects to address these conditions as required by the City's Wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) Program of the Federal Clean Water Act enforced by the Georgia Environmental Protection Division (EPD) and in compliance with the Metropolitan North Georgia Water Planning District requirements. These projects involve the assessment of the environmental conditions of four prioritized Watersheds in order to manage and improve the water quality and to protect the environment and public health for residents and businesses in the immediate area and downstream.

**3. If Applicable/Known:**

- (a) **Contract Type:** Professional Services
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:**

**4. Fund Account Center (Ex. Name and number):** A Funding Ordinance (1st Read) is pending for Cycle 1 and Cycle 2 (2<sup>nd</sup> Read) January 20, 2015.

**FDOA:** 5052 (Water & Wastewater R&E Fund) 170302 (Watershed Planning and Design 5212001 (Consulting/Professional Services) 1535000 (Data Processing Management), 111688 (Watershed Impr. Planning & Design Services), 21391 (Water & Wastewater R&E Fund)

**PATEO:** 17111688 (Watershed Impr. Planning & Design Services) 102 (Characterization Projects) 505221391 (Water & Wastewater R&E Fund) 5212001 (Consulting/Professional Services) COA

**5. Source of Funds:** 5052 (Water & Wastewater R&E Fund)

**6. Fiscal Impact:** Legislation will result in a reduction of an amount not to exceed \$988,250.00 from:

**FDOA:** 5052 (Water & Wastewater R&E Fund), 170302 (Watershed Planning and Design, 5999999 (Projects and Grants Budget), 1535000 (Data Processing Management), 111688 (Watershed Impr. Planning & Design Services), 21391 (Water & Wastewater R&E Fund)

**PATEO:** 17111688 (Watershed Impr. Planning & Design Services), 102 (Characterization Projects), 505221391 (Water & Wastewater R&E Fund), 5212001 (Consulting/Professional Services), COA

**7. Method of Cost Recovery:** N/A

**Examples:**

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*



Kasim Reed  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street, N.W.  
ATLANTA, GEORGIA 30303

Jo Ann J. Macrina, PE  
COMMISSIONER

**MEMORANDUM**

**To:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**From:** Jo Ann J. Macrina, PE, Commissioner  
Department of Watershed Management

**Cc:** Ray Wilke, Interim Deputy Commissioner  
Jay Ash, Interim Deputy Commissioner  
Lyonel Francois, Interim Director  
Keith Brooks, Deputy Chief Procurement Officer  
Delmarie Griffin, Contract Administrator, Sr.  
Cristi Walker, Contracting Officer  
Maisha Land-Wood, Legislative Manager  
Cynthia L. Lunn, Watershed Procurement Manager

**Date:** January 8, 2015

**Re:** Legislative Request for FC-4906D, Citywide Architectural Engineering and Design Services, Task Order No. 30 for Watershed Improvement Plans Development

**Contractor:** Brown Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture

Please prepare the appropriate Legislative Summary for Cycle 3 (February 3, 2015) to approve the above referenced services, in an amount not to exceed Nine Hundred Eight-Eight Thousand Two Hundred Fifty Dollars and No Cents (\$988,250.00).

A Funding Ordinance (1st Read) is pending for Cycle 1 and Cycle 2 (2<sup>nd</sup> Read) January 20, 2015. These services shall be charged to and paid from:

**FDOA:** 5052 (Water & Wastewater R&E Fund), 170302 (Watershed Planning and Design, 5999999 (Projects and Grants Budget), 1535000 (Data Processing Management), 111688 (Watershed Impr. Planning & Design Services), 21391 (Water & Wastewater R&E Fund)

**PATEO:** 17111688 (Watershed Inpr. Planning & Design Services), 102 (Characterization Projects), 505221391 (Water & Wastewater R&E Fund), 5212001 (Consulting/Professional Services), COA

If you have any additional questions, please contact Cynthia Lunn, Watershed Procurement Manager, at (404) 546-3626.



## Task Order: Watershed Improvement Plans Development

Agreement Number: FC-4906D Architectural Engineering and Design Services ("Agreement")

Task Order Number: 30

Task Order Maximum Payment Amount: \$988,250

The above referenced Task Order is made and entered into by and between the City of Atlanta ("CITY"), pursuant to the Agreement;

AND

Brown and Caldwell / Delon Hampton and Associates, Chartered, a Joint Venture hereinafter referred to as the ("CONSULTANT").

This Task Order is made a part of the Agreement between the City and the Consultant, together with all attached exhibits made a part of this Task Order.

The period of performance/delivery date for this Task Order begins as of the Notice to Proceed Date, and shall be completed no later than 18 months from the issuance of the Notice to Proceed Date, unless a written modification to this Task Order is made by the City.

Consultant shall perform all work related to this task order in accordance with the scope of services, specifications and the Consultant's proposal attached and incorporated as Exhibit "A".

Task Order Milestones are described in Exhibit A.

Key Task Order Personnel: Services Coordinator - Craig Ferguson, Project Manager - Aylin Lewallen, Other Key Personnel - Lori Visone, Corey Babb, Arvind Narayanan

### City Project Contact Information:

Margaret Tanner, Deputy Commissioner  
Office of Watershed Protection  
Department of Watershed Management  
72 Marietta Street, 5th Floor  
Atlanta, GA 30303  
Phone: 404-546-1227

E-Mail: [mtanner@atlantaga.gov](mailto:mtanner@atlantaga.gov)

### Consultant Project Contact Information:

Craig Ferguson  
BC/DHA JV  
Client Services Manager  
990 Hammond Drive, Suite 400  
Atlanta, GA 30328  
Phone: 770-673-3655  
Fax: 770-396-9495  
E-Mail: [caferguson@brwncald.com](mailto:caferguson@brwncald.com)

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Estimated Labor Hours and Associated Fee for Task by Labor Category: See Attached Table

Task Order Terms for Expenses: Reimbursable at cost.

Estimated MBE/WBE Summary:

MBE/WBE Firms Utilized in Task Order: Delon Hampton and Associates

Estimated MBE Percentage: 28.5%	Amount: \$281,231
Estimated WBE Percentage: 0 %	Amount: \$0
Total Estimated MBE/WBE Percentage: 28.5%	Amount: \$281,231

City Invoicing Contact Information:  
 Lyonel Francois  
 Department of Watershed Management  
 72 Marietta Street, 5th Floor  
 Atlanta, GA 30303  
 Phone: 404-546-3343

E-Mail: [lfrancois@atlantaga.gov](mailto:lfrancois@atlantaga.gov)

Consultant Invoicing Contact Information:  
 Craig Ferguson, PE  
 BC/DHA JV  
 990 Hammond Drive, Suite 400  
 Atlanta, GA 30328  
 Phone: 770-673-3655  
 Fax: 770-396-9495  
 E-Mail: [caferguson@brwncald.com](mailto:caferguson@brwncald.com)

Attachments:

Agreement Number: FC-4906D Architectural Engineering and Design Services  
 Task Order Number: 30  
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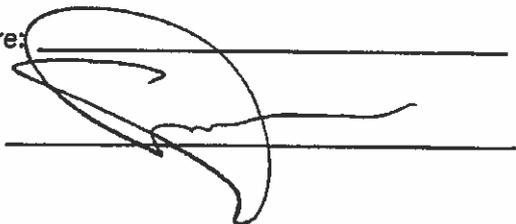
**Estimated Labor Hours and Associated Fee for Task by Labor Category:**

Activity	Labor Category	Home Office Rate	Estimated Home Office Hours per Category	Field Office Rate	Estimated Field Office Hours per Category	Total Estimated Fee per Category
1 - Data Analysis and Inventory	Engineer 9	\$192.00	48	\$167.00		\$9,216
	Engineer 5	\$120.00	1,150	\$100.00		\$138,000
	Engineer 3	\$90.00	180	\$75.00		\$16,200
	Scientist 8	\$192.00	426	\$169.00		\$81,792
	Scientist 5	\$118.00	730	\$104.00		\$86,140
	Administrative Assistant, Sr.	\$80.00	26	\$68.00		\$2,080
2 - Public Outreach	Engineer 9	\$192.00	2	\$167.00		\$384
	Engineer 5	\$120.00	0	\$100.00		\$0
	Engineer 3	\$90.00	40	\$75.00		\$3,600
	Scientist 8	\$192.00	44	\$169.00		\$8,448
	Scientist 5	\$118.00	80	\$104.00		\$9,440
	Administrative Assistant, Sr.	\$80.00	16	\$68.00		\$1,280
3 - Project Development and Modeling	Engineer 9	\$192.00	74	\$167.00		\$14,208
	Engineer 5	\$120.00	1,072	\$100.00		\$128,640
	Engineer 3	\$90.00	272	\$75.00		\$24,480
	Scientist 8	\$192.00	724	\$169.00		\$139,008
	Scientist 5	\$118.00	160	\$104.00		\$18,880
	Administrative Assistant, Sr.	\$80.00	32	\$68.00		\$2,560
4 - Preparation of the Watershed Improvement Plans	Engineer 9	\$192.00	72	\$167.00		\$13,824
	Engineer 5	\$120.00	640	\$100.00		\$76,800
	Engineer 3	\$90.00	104	\$75.00		\$9,360
	Scientist 8	\$192.00	440	\$169.00		\$84,480
	Scientist 5	\$118.00	600	\$104.00		\$70,800
	Administrative Assistant, Sr.	\$80.00	120	\$68.00		\$9,600
5 - Finalize the Proctor Watershed Improvement Plan	Engineer 9	\$192.00	12	\$167.00		\$2,304
	Engineer 5	\$120.00	0	\$100.00		\$0
	Engineer 3	\$90.00	60	\$75.00		\$5,400
	Scientist 8	\$192.00	88	\$169.00		\$16,896
	Scientist 5	\$118.00	60	\$104.00		\$7,080
	Administrative Assistant, Sr.	\$80.00	20	\$68.00		\$1,600
<b>Task Order Labor Totals</b>			<b>7,292</b>			<b>\$982,500</b>
<b>Expense</b>						<b>\$5,750</b>
<b>Task Order Total</b>						<b>\$988,250</b>

Authorized Representatives and Signatures:

City of Atlanta Representative: Margaret Tanner Signature: \_\_\_\_\_

Consultant Representative: Craig Ferguson Signature: \_\_\_\_\_



Agreement Number: FC-4906D Architectural Engineering and Design Services  
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## EXHIBIT A

Suite 400, 890 Hammond Dr.  
Atlanta, Georgia 30328

Tel: (770) 394-2997  
Fax: (770) 398-9485



August 26, 2014

Margaret Tanner, PE  
City of Atlanta  
Department of Watershed Management  
72 Marietta Street  
Atlanta, Georgia 30303

Subject: FC-4906D: Architectural, Engineering and Design Services  
Proposal for Preparation of Four Watershed Improvement Plans – Intrenchment,  
Sugar, Utoy, and Sandy Creeks

Dear Ms. Tanner:

The CONSULTANT will provide inventory, planning, and modeling services to prepare watershed improvement plans (WIPs) for four watersheds – Intrenchment, Sugar, Utoy, and Sandy Creeks watersheds, totaling approximately 43 square miles. Work will include a desktop analysis of the existing data for the watersheds, public outreach activities, project development and evaluation, modeling of the watersheds for water quality and quantity, and preparation of four WIPs.

### Project Tasks

The Scope of Work will be executed in tasks under the following four activities:

- Activity 1 – Data Analysis and Inventory
- Activity 2 – Public Outreach
- Activity 3 – Project Development and Modeling
- Activity 4 – Preparation of Watershed Improvement Plans
- Activity 5 – Finalize Proctor Watershed Improvement Plan

### Project Schedule

The project schedule will be 18 months from Notice to Proceed (NTP) issued from CITY, and specific schedule milestones will be determined with the CITY during each Project task and as shown in the table below.

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Schedule	Month																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Project Management	#1																	
Activity 1					#2													
Activity 2						#3-6								#9-12				
Activity 3										#7			#8					
Activity 4																	#13	
Activity 5			#14															

Numbers refer to meeting numbers - #1 through #14.

### SCOPE OF BASIC SERVICES

The CONSULTANT is submitting this proposal to provide services for preparation of four Watershed Improvement Plans (WIPs) for Intrenchment, Sugar, Utoy, and Sandy Creeks watersheds, totaling approximately 43 square miles to satisfy requirements of the Metropolitan North Georgia Water Planning District (MNGWPD) and the City's MS4 Phase I permit. This plan will identify the watershed health and water quality priorities for the four watersheds as well as develop a list of potential projects that can be implemented to help mitigate stormwater impacts and improve watershed health. The plan will also include a stakeholder involvement plan for the communities in the watershed and incorporate Environmental Protection Agency's (EPA's) Clean Water Act section 319 Nonpoint Source Program nine key elements of a watershed plan.

### Project Management and Meetings

Routine project management activities, such as progress reports, invoicing, and regular communications between the project manager and City team will be conducted throughout the project. In addition, the following proposed meetings will be conducted with City staff during the project and are shown in the schedule provided in this proposal:

- Meeting #1 - Kickoff Meeting at the beginning of the project to review the scope and schedule, communications protocol, data request, field inventory logistics, and future meetings;
- Meeting #2 - Discuss data analysis, base model setup, problem area identification, and gather feedback on potential projects for limited detailed field inventory or windshield survey (whichever selected - see Activity 1.4);
- Meetings #3 - 6 - First public meetings for each of the four watersheds;
- Meeting #7 - Gather input on project evaluation criteria and weighting factors;
- Meeting #8 - Review draft model results and preliminary project recommendations; and
- Meetings #9 - 12 - Second public meetings for each of the four watersheds;
- Meeting #13 - Review the draft WIPs (each watershed will have a separate plan developed)
- Meeting #14 - Review the draft Proctor Creek WIP

Meeting minutes for each of these meetings will be submitted to the City within five (5) business days after the meeting and will include who attended, a summary of the discussion, and action items for the CONSULTANT and City.

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The budget for project management and meetings is distributed throughout the activities as they relate to each Activity and work progress for the project.

### Activity 1 – Data Analysis and Field Inventory

This task will involve collecting the existing data available from the City, setting up a base model for the project, identifying potential problem areas for focus in the field inventory, and conducting a limited field inventory to support project development and field inventory needs. This task will cover the following activities:

1. Review and assess City provided data and other readily available data
2. Desktop analysis and base model setup
3. Problem area identification
4. Windshield field reconnaissance OR limited field inventory (see discussion below).

#### Activity 1.1 – Data Collection and Evaluation

The CONSULTANT will collect the following data and review for relevance to the WIPs as well as use in the base model setup. The following data will be provided by the City and the JV will review and incorporate the information, where appropriate, into the WIPs:

1. Information JV already has (just need to confirm most current version of information) and will use during preparation of the work:
  - o City of Atlanta Watershed Assessment (2009)
  - o Watershed Management Master Plan (2014)
  - o 2005, 2007, 2009 and 2011, and 2013 Biological Monitoring Reports
  - o Stream monitoring data from the watershed monitoring program and the USGS gages located in the watershed through 2013
2. Information JV will need from the City:
  - o Stream walk data – streams within the Intrenchment, Sugar, Utoy and Sandy Creeks Watershed have been walked and assessed up to the 25-acre catchment (2013-2014). The data will include adequate information on stream condition, riparian condition, and in stream erosion. If Sugar and Sandy Creeks have not been walked by date data needed, the JV will walk up to 8 miles of streams as part of this scope of work.
  - o Most current land use projections (current and future) for the four watersheds, including impervious area in the City's jurisdiction in GIS shapefile format
  - o List of Substantially Damaged Houses from the 2009 flood event and the revised FEMA Floodplain maps
  - o Readily available plans and data previously developed for water quality and infrastructure improvements in the four watersheds
  - o Drainage Studies completed in the four watersheds
  - o Land ownership and parcels data in GIS shapefile format
  - o Drainage complaint data for the four watersheds from 2013 to present

In addition, the CONSULTANT will incorporate the data collected during the development of the Atlanta Watershed Management Plan relevant to each watershed in this study and develop a project directory for this project. The CONSULTANT will review the data for use in the WIPs.

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### **Activity 1.2 – Desktop Analysis and Base Model Setup**

The CONSULTANT will collect the data from Activity 1.1 and develop an understanding of the watershed conditions from a water quality, biological and habitat condition. The CONSULTANT will overlay the information in a spatial database, as the data allows, show the connectivity between water quality, flooding, biological and aquatic habitat, and other watershed related parameters for use in Activity 1.3. These data will be used to develop a base model setup for each WIP. This model will be used to identify potential problem areas for water quality and quantity, model project scenarios, and to support the recommendations in the four WIPs. In addition, the CONSULTANT will identify the potential stormwater control measures (SCMs) in the watersheds by reviewing the City's hydrography, known detention facility locations, and reviewing aerial photography to identify the location and footprint of each facility within the watersheds. The CONSULTANT will calculate based on the City's digital elevation model (DEM), the cumulative drainage area and impervious area, the required water quality volume (WQv or runoff from first 1.2 inches of rainfall for detention facilities), channel protection volume (CPv or 1-year storm), and flood protection volume (25-year storm) for each SCM identified. The information will aid the CONSULTANT in working with the City to determine the locations to field inventory in Activity 1.4 and will be used during the field inventory to assess retrofit potential.

### **Activity 1.3 – Problem Area Identification**

The CONSULTANT will work with the City to determine both the water quality and quantity improvement goals for the four watersheds. These goals will be compared to the baseline conditions watershed model to identify the areas under baseline conditions that presently exceed the City's goals for watershed improvement.

Based on results of the base model, the CONSULTANT will determine the priority problems within the four watersheds to determine the locations for additional, limited field inventory data collection as well as project development. The parameters for determining priority areas will be jointly identified by the City and the CONSULTANT. These areas will be used to focus the location of limited field inventory in Activity 1.4.

### **Activity 1.4 – Field Inventory**

Per the request of the City, the CONSULTANT will provide up to 5 days of windshield field reconnaissance only for stream restoration. For the stormwater control measures (SCMs) and green infrastructure (GI) opportunities, the CONSULTANT will conduct a desktop analysis to identify the existing and potential new SCMs and potential GI locations within each watershed. Up to 500 SCM and GI locations will be field inventoried across all four watersheds.

### **Deliverables**

1. One geodatabases of existing data for each of the four watersheds
2. One Technical Memorandum (TM) outlining the watershed improvement goals for water quality and quantity within the four watersheds and field inventory methods
3. TM presenting the model results for baseline pollutant loadings and calculations for field inventory evaluation on volume estimates for SCMs and GI project locations inventoried
4. Field inventory database of upland SCM and GI locations and reconnaissance for stream restoration projects

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### Assumptions

1. The data provided by the City, as listed above, as well as readily available data from state and federal agencies will be the only data used to support the desktop analysis and evaluation.
2. The field inventory will be done as part of one combined effort for all four watersheds. CONSULTANT will inventory up to 500 SCM and GI projects.
3. The data under Activity 1.1 will be provided by the City within 20 days of the NTP.

### Activity 2 – Public Outreach

The City understands that a commitment to public involvement is essential to implementing successful and publicly supported projects. The CONSULTANT will develop materials for two public meetings per watershed (8 total) and attend each meeting to answer questions and give an update presentation to the stakeholders. At the initial meeting, the CONSULTANT will review the purpose of the project, the project team, previously identified watershed issues, data from previous studies and current City initiatives underway or planned for execution in the watershed, and gain input on evaluation methods and prioritization metrics as well as potential projects to consider. The initial meeting will also be used to develop a contacts list for future communication, seek input from stakeholders regarding potential sources of water quality impairment and gauge community expectations and capacity for supporting the project and future endeavors. This meeting will occur after the CONSULTANT has reviewed data and reports collected from the City and distilled into a format suitable for presentation at a public meeting. The initial meeting will occur after the second meeting with City staff but before the additional activities start. The final meeting will review draft project findings, prioritized list of projects, any solutions or repairs that occurred during the course of the project and review of the implementation schedule for identified projects. Additional stakeholder comments will be collected to gauge support for selected projects.

### Deliverables

1. One (1) hardcopy and electronic copy of meeting minutes from Initial Public Stakeholder Meetings – one meeting in each watershed (4 total)
2. One (1) hardcopy and electronic copy of agendas from Final Public Stakeholder Meetings – one meeting in each watershed (4 total)
3. One (1) hardcopy of presentation and an electronically submitted copy from Initial and Final Stakeholder Meetings – one meeting in each watershed (8 total)
4. One (1) hardcopy of meeting sign-in sheets from Initial and Final Public Stakeholder Meetings – one meeting in each watershed (8 total)
5. One (1) hardcopy and electronic copy of any advertisements, mailers, flyers, graphics, visual aids, or fact sheets developed per the approved Public Involvement Plan – one meeting in each watershed (8 total)
6. One (1) hardcopy of all collected Stakeholder comment forms – one meeting in each watershed (8 total)

### Assumptions

1. Public meetings will not exceed two (2) hours in duration.
2. The CONSULTANT will not identify the public meeting invitees nor will they set up the meetings or communicate directly with the stakeholders to set up the meetings.
3. Representative(s) from City staff will attend all public meetings to assist with Q&A sessions.
4. Advertisement of meetings will be done by City staff for each of the watersheds.
5. City staff will support posting of announcements and outreach materials on DWM website.
6. City will arrange for all meeting locations and any associated logistics.

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### Activity 3 – Project Development and Modeling

#### Activity 3.1 – Data Review and Project Development

Following the data review, field inventory, baseline modeling, and stakeholder meetings, the CONSULTANT will analyze and evaluate the data for project development. Projects will be developed in the desktop analysis and field inventories. The project development will include SCMs, GI projects and Stream Restoration Projects. The CONSULTANT will develop project fact sheets/proposals with a sufficient level of detail to prepare planning level cost estimates. The project unit cost estimate Technical Memorandum developed as part of the Watershed Management Plan (under separate task order) will be used to develop planning level costs for each project. No additional cost data will be developed or used as part of this task order.

#### Activity 3.2 – Develop Project Evaluation Methods

The CONSULTANT will work with the City to develop project evaluation criteria for prioritizing identified projects. The prioritization criteria will cover a range of considerations that are important in the evaluation of potential watershed improvement projects. The criteria used to rank watershed projects could include the current condition of existing SCMs, stream bank and habitat conditions, the potential water quality and environmental benefits, land ownership, permitting issues, as well as public acceptance of the project as gained from public involvement meetings and communication, among other factors. The criteria developed will be defined such that they are geared towards meeting the City's goals of customer service, safety, compliance, and efficiency.

#### Activity 3.3 – Modeling

The Metropolitan North Georgia Water Planning District guidelines do not require the use of modeling for WIP development. However, modeling can be beneficial in understanding current conditions of the watershed and aid in analyzing the benefits of potential watershed improvement projects. The JV will work with the City to identify the preferred model for preparation of these WIPs. The JV assumes the model selected will be from the following list – WIPTools, SUSTAIN, WinSLAMM, or readily available spreadsheet tool.

The CONSULTANT proposes to model up to 43 total square miles in the four watersheds and will model the parameters of fecal coliform and total suspended solids (TSS). If applicable, the subwatersheds for the study area will be delineated at an approximately one square mile resolution. Some downstream areas may be added to account for confluences of tributaries that occur just outside the City limits. If added the downstream areas may be modeled at a coarser resolution than the watershed area within the City limits. The CONSULTANT will model both an existing conditions scenario using the current land use and then a future conditions scenario using future land use projections. Using available in-stream water quality data from the USGS, CONSULTANT will calibrate the existing conditions model results to the extent practical. The results of the calibration will then be incorporated into the future conditions model.

The CONSULTANT will run up to three scenarios, which may include:

- Implementation of all identified watershed improvement projects
- Implementation of projects located on city-owned land
- Redevelopment of specified portions of the watershed
- Develop "typical" projects and determine the number of "typical" projects needed to reach water quality goals. "Typical" projects will be sized based on a unit area (for example – to treat 1 acre of parking lot) and will be projects that are feasible in the majority of the watershed.

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The three scenarios ultimately analyzed will be determined collectively by the City and CONSULTANT.

#### Deliverables

1. Prioritization matrix containing selected evaluation criteria
2. Project fact sheets for each project- assume no more than 40, 160, and 40 projects total for stream restoration, SCM and GI projects for Intrenchment, Sugar, Utoy, and Sandy Creek watersheds, respectively, for a total not to exceed 240 projects
3. Modelling results - draft results and final results in handout and presentation format as well as the electronic version of the model

#### Assumptions

1. The City will furnish CONSULTANT identified that is not already received under previous task orders and will verify already obtained data as still current, all of which may be relied on without independent verification in performing the Scope of Work. It is also assumed that the above information will be provided at no cost to the project. Data files will be provided digitally to CONSULTANT if available or in paper copy format if digital is not available. If, during review, data appears to be inadequate, CONSULTANT will contact the City with the data gaps. CONSULTANT rectification of data gaps is not included in the scope. Data will be provided to CONSULTANT within 20 days from the NTP.
2. Data needed for the downstream watershed will be readily available (CONSULTANT will not need to create any data sets).
3. The City will provide floodplain hydraulic models to use for channel data. If no channel or conduit data is available then the channel routing will not be included in the model.
4. Sufficient water quality data is available for model calibration. If sufficient water quality data is not available, default values will be verified against the National Stormwater Quality Database and only revised if appropriate.
5. Stream Restoration Projects may not be analyzed in the model, depending on the model software selected; therefore stream restoration may not be included as a proposed project in the modeling. Rather, based on the stream inventory, the CONSULTANT will hand calculate sediment load reduction only for each stream restoration project.
6. A detailed node and link model will not be developed. If a node/link type of model is selected then aggregate projects or other similar simplification methods will be used to represent watershed improvement projects.

### Activity 4 – Preparation of Watershed Improvement Plans

#### Activity 4.1 – Project Recommendations

Using evaluation criteria jointly developed with the City under Task 3.2, the CONSULTANT will prioritize the list of developed projects for submission to the City by watershed. The prioritized list will include project fact sheets prepared in Activity 3 along with a matrix detailing the project priority ranking, project location, estimated water quality improvements (quantified based on the model selected) and planning level cost estimates for construction and operation and maintenance for the recommended projects.

#### Activity 4.2 – Incorporate EPA Nine Elements

The CONSULTANT will incorporate the EPA's 9-key elements of watershed planning into the development of the four WIPs. The elements will include:

- Identification of Potential Sources
- Estimate of Load Reductions
- Description of NPS Management Measures

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- Estimate of Sources of Funding Needed to Implement the Plan
- Information/Education Component
- Implementation Schedule
- Interim Measurable Milestones
- Criteria for Determining Substantial Progress
- Monitoring Component

The recommended measures and projects outlined in the Plans will be used to show how the City will meet these 9 key elements as well as additional recommendations the City can consider to enhance other activities within the watershed improvement program to further meet these elements.

#### Activity 4.3 – WIP Preparation

The CONSULTANT will prepare four WIPs for Intrenchment, Sugar, Utoy, and Sandy Creeks watersheds. Each WIP will include the following sections:

- Watershed characterization based on the desktop analysis, field inventories, and modeling
- Project development and evaluation for identified projects with priority ranking and estimated costs.
- Recommended projects using the evaluation criteria to show the recommendations that are the most beneficial for the incremental cost (cost/benefit). Costs will be developed based on the unit costs developed in the watershed management plan finalized in June 2014.
- Summary project sheets, conceptual capital costs and annual O&M costs will be provided by the CONSULTANT for each specific project.
- Additional programmatic recommendations related to stormwater activities and requirements and options for program funding.

A single, comprehensive methods document will be prepared for all four WIPs and referenced in each document.

#### Deliverables

1. New GIS layers developed for maps created as part of report and not originally supplied by the City
2. Five (5) hard copies and one (1) electronic copy (in both MS Word and .pdf) of the four draft WIP reports
3. Five (5) hard copies and one (1) electronic copy (in both MS Word and .pdf) of the four final WIP reports

#### Assumptions

1. The City will provide one single set of consolidated comments on the draft report. These comments will be received within 15 days of submittal of the draft WIPs.

### Activity 5 – Finalization of the Proctor Watershed Improvement Plan

#### Activity 5.1 – Develop Draft and Final Plan

The CONSULTANT will prepare the Proctor Creek WIP, which will include the following sections:

- Watershed characterization based on the desktop analysis, field inventories, and modeling.
- Project development and evaluation for identified projects with priority ranking and estimated costs.
- Recommended projects using the evaluation criteria to show the recommendations that are the most beneficial for the incremental cost (cost/benefit). Costs will be developed based on the unit costs developed in the watershed management plan finalized in June 2014.

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- Summary project sheets, conceptual capital costs and annual O&M costs will be provided by the CONSULTANT for each specific project.
- Additional programmatic recommendations related to stormwater activities and requirements and options for program funding.

The CONSULTANT will use the results and discussion from the Watershed Management Plan (WMP) finalized in 2014 to develop the Proctor Creek WIP. The results and recommendations from the WMP will not be modified or updated. This task will extract the Proctor Creek WQ CIP into a separate WIP. A watershed characterization section will be prepared in addition to the materials extracted from the WMP. The CONSULTANT will incorporate the EPA's 9 key elements of watershed planning into the development of the four WIPs. The elements will include:

- Identification of Potential Sources
- Estimate of Load Reductions
- Description of NPS Management Measures
- Estimate of Sources of Funding Needed to Implement the Plan
- Information/Education Component
- Implementation Schedule
- Interim Measurable Milestones
- Criteria for Determining Substantial Progress
- Monitoring Component

The recommended measures and projects outlined in the Plans will be used to show how the City will meet these 9 key elements, as well as additional recommendations the City can consider to enhance other activities within the watershed improvement program to further meet these elements.

#### Deliverables

1. Five (5) hard copies and one (1) electronic copy (in both MS Word and .pdf) of the draft WIP reports
2. Five (5) hard copies and one (1) electronic copy (in both MS Word and .pdf) of the final WIP reports

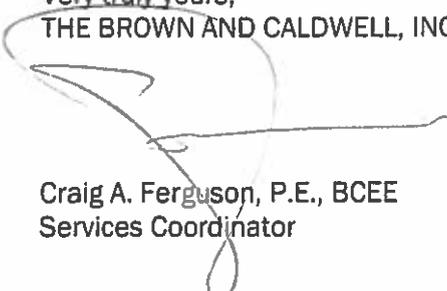
#### Assumptions

1. The City will provide one single set of consolidated comments on the draft report. These comments will be received within 15 days of submittal of the draft WIPs.

The CONSULTANT team looks forward to serving the City on this project. I can be reached at: 990 Hammond Drive, Suite 400, Atlanta, Georgia 30328, (770) 673-3655 or (770) 833-2408 (cell) with any questions. Please do not hesitate to call me.

Very truly yours,

THE BROWN AND CALDWELL, INC./DELON HAMPTON & ASSOCIATES, CHARTERED, JOINT VENTURE



Craig A. Ferguson, P.E., BCEE  
Services Coordinator

**DEPARTMENT OF PROCUREMENT  
LEGISLATION SUMMARY**

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DELON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4906D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); ALL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 17111688 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.

**COMMITTEE MEETING**

**DATE:** February 24, 2015

**COUNCIL MEETING**

**DATE:** March 2, 2015

**LEGISLATION TITLE:** FC-4906D, Watershed Improvement Plans Project

**REQUESTING DEPT.:** Watershed Management

**CONTRACT TYPE:** Professional Services

**AWARDEES:** Brown and Caldwell, Inc /Delon Hampton & Associates, JV

**SOURCE SELECTION:** Sealed RFP

**PROPOSALS DUE:** May 6, 2009

**INVITATIONS MAILED:** 150

**PROPOSALS  
RECEIVED:** 14

**PROPOSERS:** A E COM/ H. J. Russell, Joint Venture  
Arcadis /Brindley Pieters & Associates, Inc, Joint Venture  
Atlanta Services Group  
BGR Joint Venture Office  
Brown and Caldwell, Inc /Delon Hampton & Associates,  
Chartered, A Joint Venture  
Citywide Infrastructure Provider

JP2 (Jacobs, PRAD, PBS&J)  
 MA-HMM Gude, JV  
 Parsons-Cardozo Engineering, Joint Venture  
 Prime Engineering, Inc. and Chester Engineers, Joint Venture  
 Shaw-Benchmark, Joint Venture  
 Southern Right of Way  
 Strategic Team Concepts, LLC  
 Total Solution Partners

Contractor: Brown and Caldwell, Inc /Delon Hampton & Associates, JV

Estimated Value: \$988,250.00

Scope Summary: Brown and Caldwell, Inc /Delon Hampton & Associates, a Joint Venture, will provide will provide architectural, engineering and design services in addition to construction management and other services. The basic services include sanitary, civil, mechanical, electrical, process control and instrumentation, geotechnical investigations, design, structural engineering, easement, property acquisition services, and inspection services.

BACKGROUND: Original executed on December 21, 2009, expired on December 20, 2011.

Renewal Agreement No.1 extended the current Agreement one additional year for time only. Renewal Agreement No. 1 effective term December 20, 2011 to December 19, 2012.

Renewal Agreement No. 2 extended the current Agreement one additional year for time only. Renewal Agreement No. 2 effective term extends from December 20, 2012 to December 19, 2013.

Renewal Agreement No. 3 extended the current Agreement one additional year for time only. Renewal Agreement No. 3 effective term extends from December 20, 2013 to December 19, 2014.

Ninety-day extension exercised extending effective term from December 20, 2014 to March 20, 2015.

EVALUATION TEAM  
 COMPOSITION:

DWM, OCC, DPW, LAW, OEAM, DPRCA

TERM OF CONTRACT:

Two (2) years with an option to renew for three (3) one (1) year periods

FUND ACCOUNT

ALL WORK WILL BE CHARGED TO AND PAID  
 FROM FUND DEPARTMENT ORGANIZATION  
 AND ACCOUNT 5052 (WATER & WASTEWATER  
 R&E FUND) 170302 (WATERSHED PLANNING  
 AND DESIGN 5212001

(CONSULTING/PROFESSIONAL SERVICES)  
1535000 (DATA PROCESSING MANAGEMENT)  
AND PROJECT AWARD TASK EXPENDITURE  
AND ORGANIZATION NUMBER 17111688  
(WATERSHED IMPR. PLANNING & DESIGN  
SERVICES) 102 (CHARACTERIZATION PROJECTS)  
505221391 (WATER & WASTEWATER R&E FUND)  
5212001 (CONSULTING/PROFESSIONAL  
SERVICES) COA; AND FOR OTHER PURPOSES.

CENTERS:

PREPARED BY: Katherine Vernet, Esq.

CONTACT NUMBER: 404-330-6517



Home

**BROWN AND CALDWELL (INC.) Control Number: H851930**

Main Reports Officers Filing History

**Entity Info**

Entity Id 566213

**Key Indicators**

Model Type Corporation

Locale Foreign

Qualifier For-Profit

Business Name BROWN AND CALDWELL (INC.)

Registration Date 2/01/1978

Entity Status Active/Compliance

Entity Status Date 2/20/2014

**Foreign Name**

**Date of Organization**

State California

**Country**

**Principal Office Address**

**PRINCIPAL**

Line1 201 North Civic Drive

Line2 Suite 115

City Walnut Creek State California Zip 94596

**Agent**

Is non-commercial Registered Agent? Yes

Name C T CORPORATION SYSTEM

**Address**

Line1 1201 Peachtree Street, NE

Line2

City Atlanta State Georgia Zip 30361

**Email**

Previous Names

Name Changed From	Name Changed To	Surviving Entity Id	Cancelled Entity Id	Effective Date	Due Date	File Number	Actions
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No Miscellaneous Filings were found.

15

[Return to Home](#)

USER NAME

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## Entity Dashboard

**BROWN AND CALDWELL**

**DUNS: 120947130 CAGE Code: 3YZU5**

**Status: Active**

**Expiration Date: 07/29/2015**

**Purpose of Registration: All Award**

› [Entity Overview](#)

› [Entity Record](#)

› [Core Data](#)

› [Assertions](#)

› [Reps & Certs](#)

› [POCs](#)

› [Reports](#)

› [Service Contract Report](#)

› [BioPreferred Report](#)

› [Exclusions](#)

› [Active Exclusions](#)

› [Inactive Exclusions](#)

› [Excluded Family Members](#)

**RETURN TO SEARCH**

## Entity Overview

### Entity Information

**Name:** BROWN AND CALDWELL  
**Business Type:** Business or Organization  
**POC Name:** Thomas Rowe  
**Registration Status:** Active  
**Activation Date:** 07/29/2014  
**Expiration Date:** 07/29/2015

### Exclusions

**Active Exclusion Records?** No



[Home](#)

**DELON HAMPTON & ASSOCIATES, CHARTERED Control Number: H855094**

[Main](#)   [Reports](#)   [Officers](#)   [Filing History](#)

**Entity Info**

**Entity Id**   569349

**Key Indicators**

**Model Type**   Corporation

**Locale**   Foreign

**Qualifier**   For-Profit

**Business Name**   DELON HAMPTON & ASSOCIATES, CHARTERED

**Registration Date**   4/28/1975

**Entity Status**   Active/Compliance

**Entity Status Date**   2/28/2014

**Foreign Name**

**Date of Organization**

**State**   District of Columbia

**Country**

**Principal Office Address**

PRINCIPAL

**Line1**   900 7th Street, N.W.

**Line2**   Suite 800

**City**   WASHINGTON   **State**   District of Columbia   **Zip**   20001-4189

**Agent**

**Is non-commercial Registered Agent?**   Yes

**Name**   William Douty

**Address**

**Line1**   229 Peachtree St., N.E.

**Line2**   Suite 1510

**City**   Atlanta   **State**   Georgia   **Zip**   30303

**Email**   wdoutg@delonhampton.com

Previous Names

Name Changed From	Name Changed To	Surviving Entity Id	Cancelled Entity Id	Effective Date	Due Date	File Number	Actions
				4/28/1975		13229669	<a href="#">View</a>

1 to 1 of 1 rows 15

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## Entity Dashboard

**DELON HAMPTON & ASSOCIATES, CHARTERED INC.**

**DUNS: 020300745 CAGE Code: ONLS2**

**Status: Active**

**Expiration Date: 09/10/2015**

**Purpose of Registration: All Award**

- ▶ [Entity Overview](#)
- ▶ [Entity Record](#)
  - ▶ [Core Data](#)
  - ▶ [Assertions](#)
  - ▶ [Reps & Certs](#)
    - ▶ [POCs](#)
    - ▶ [Reports](#)
- ▶ [Service Contract Report](#)
- ▶ [BioPreferred Report](#)
  - ▶ [Exclusions](#)
  - ▶ [Active Exclusions](#)
  - ▶ [Inactive Exclusions](#)
- ▶ [Excluded Family Members](#)

**RETURN TO SEARCH**

### Entity Overview

#### Entity Information

**Name:** DELON HAMPTON & ASSOCIATES, CHARTERED INC.  
**Business Type:** Business or Organization  
**POC Name:** Vivian Watson  
**Registration Status:** Active  
**Activation Date:** 09/10/2014  
**Expiration Date:** 09/10/2015

#### Exclusions

**Active Exclusion Records? No**

		First Reading		FINAL COUNCIL ACTION	
		Committee _____ Date _____ Chair _____ Referred To _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup>	Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A TASK ORDER TO BROWN AND CALDWELL/DEON HAMPTON AND ASSOCIATES, CHARTERED, A JOINT VENTURE FOR FC-4996D, ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, FOR THE WATERSHED IMPROVEMENT PLANS PROJECT FOR THE UTOY, SUGAR, SANDY, INTRENCHMENT, AND PROCTOR CREEK WATERSHEDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED EIGHTY-EIGHT THOUSAND, TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$988,250.00); AJL WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT 5052 (WATER & WASTEWATER R&E FUND) 170302 (WATERSHED PLANNING AND DESIGN 5212001 (CONSULTING/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING MANAGEMENT) AND PROJECT AWARD TASK EXPENDITURE AND ORGANIZATION NUMBER 1711168 (WATERSHED IMPR. PLANNING & DESIGN SERVICES) 102 (CHARACTERIZATION PROJECTS) 505211391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING/PROFESSIONAL SERVICES) COA; AND FOR OTHER PURPOSES.		Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	<b>CERTIFIED</b>  <b>MAYOR'S ACTION</b>	
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 <sup>ST</sup> ADOPT 2 <sup>ND</sup> READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER		Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____		
Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____		Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____		
Date Referred: _____ Referred To: _____ Date Referred: _____ Referred To: _____		Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____		
Date Referred: _____ Referred To: _____		Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____		
Date Referred: _____ Referred To: _____		Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____	Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____		

**A RESOLUTION BY COUNCILMEMBERS MICHAEL JULIAN BOND AND CLETA WINSLOW AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS FROM THE 2015 MARTIN LUTHER KING DAY OF SERVICE GRANTS PROGRAM TO BE MATCHED WITH SEVENTY-ONE THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$71,428.00) DOLLARS FROM THE DEPARTMENT OF WATERSHED MANAGEMENT TO ENCOURAGE COMMUNITY SERVICE IN CONJUNCTION WITH THE GRAYMONT DRIVE SEWER INFRASTRUCTURE THREAT AND FOR ENCOURAGING LONG TERM COMMUNITY SERVICE; AND FOR OTHER PURPOSES.(HELD 5/26/15 FOR FURTHER REVIEW)**

WHEREAS, The Corporation for National and Community Service presently has available funding to support efforts to encourage long term community service in relation to the Martin Luther King, Jr. Day of Service; and

WHEREAS, the City will benefit from a program to stimulate increased participation in long term community service in collaboration with City programs; and

WHEREAS, the Department of Watershed Management has identified a project to address erosion that threatens a sewer line along Graymont Drive as a good fit for a community service project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is hereby authorized to apply for and accept grant funding from the Corporation for National and Community Service for a 2015 Martin Luther King Day of Service Grant in the amount of Fifty Thousand (\$50,000.00) to be matched with Seventy-One Thousand Four Hundred Twenty-Eight (\$71,428.00) Dollars from the Department of Watershed Management to enhance engagement of community service for the program to address erosion that threatens the sewer line on Graymont Drive.

BE IT FURTHER RESOLVED, that the Agreement shall not become binding on the City and the City shall not incur any liability until such time as the Agreement has been signed by the Mayor and delivered to the Corporation for National and Community Service.

CITY COUNCIL  
ATLANTA, GEORGIA

15-R-3614

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond", written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

**CITY COUNCIL  
ATLANTA, GEORGIA**

15-R-3614

**A RESOLUTION BY COUNCILMEMBERS MICHAEL JULIAN BOND AND CLETA WINSLOW AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS FROM THE 2015 MARTIN LUTHER KING DAY OF SERVICE GRANTS PROGRAM TO BE MATCHED WITH SEVENTY-ONE THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$71,428.00) DOLLARS FROM THE DEPARTMENT OF WATERSHED MANAGEMENT TO ENCOURAGE COMMUNITY SERVICE IN CONJUNCTION WITH THE GRAYMONT DRIVE SEWER INFRASTRUCTURE THREAT AND FOR ENCOURAGING LONG TERM COMMUNITY SERVICE; AND FOR OTHER PURPOSES.(HELD 5/26/15 FOR FURTHER REVIEW)**

**Workflow List:**

Clerk of Council	Completed	05/19/2015 9:52 AM
Atlanta City Council	Completed	05/18/2015 1:00 PM
City Utilities Committee	Completed	05/26/2015 9:30 AM
Atlanta City Council	Completed	06/01/2015 1:00 PM
City Utilities Committee	Completed	06/09/2015 9:30 AM
Atlanta City Council	Completed	06/15/2015 1:00 PM
City Utilities Committee	Completed	06/23/2015 9:30 AM
Atlanta City Council	Completed	07/06/2015 1:00 PM
City Utilities Committee	Completed	07/14/2015 9:30 AM
Atlanta City Council	Completed	07/20/2015 1:00 PM
City Utilities Committee	Completed	07/28/2015 9:30 AM
Atlanta City Council	Completed	08/17/2015 1:00 PM
City Utilities Committee	Completed	08/25/2015 9:30 AM
Atlanta City Council	Completed	09/08/2015 1:00 PM
City Utilities Committee	Completed	09/15/2015 9:30 AM
Atlanta City Council	Completed	09/21/2015 1:00 PM
City Utilities Committee	Completed	09/29/2015 9:30 AM
Atlanta City Council	Completed	10/05/2015 1:00 PM
City Utilities Committee	Completed	10/13/2015 9:30 AM
Atlanta City Council	Completed	10/19/2015 1:00 PM
City Utilities Committee	Completed	10/27/2015 9:30 AM
Atlanta City Council	Completed	11/02/2015 1:00 PM
City Utilities Committee	Completed	11/09/2015 9:30 AM
Atlanta City Council	Completed	11/16/2015 1:00 PM
City Utilities Committee	Completed	12/01/2015 9:30 AM
Atlanta City Council	Completed	12/07/2015 1:00 PM
City Utilities Committee	Completed	12/15/2015 9:30 AM
Atlanta City Council	Completed	01/04/2016 1:00 PM
City Utilities Committee	Completed	01/12/2016 9:30 AM
Atlanta City Council	Completed	01/19/2016 1:00 PM
City Utilities Committee	Completed	01/26/2016 9:30 AM
Atlanta City Council	Completed	02/01/2016 1:00 PM
City Utilities Committee	Completed	02/09/2016 9:30 AM
Atlanta City Council	Completed	02/15/2016 1:00 PM
City Utilities Committee	Completed	02/23/2016 9:30 AM
Atlanta City Council	Completed	03/07/2016 1:00 PM

Last Updated: 12/18/15

15-R-3614

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<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/23/2015 9:30 AM</b>
06/23/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
07/06/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/14/2015 9:30 AM</b>
07/14/15	City Utilities Committee	
07/20/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/28/2015 9:30 AM</b>
07/28/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/17/2015 1:00 PM</b>
08/17/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/25/2015 9:30 AM</b>
08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/15/2015 9:30 AM</b>
09/15/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	
09/21/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/29/2015 9:30 AM</b>
09/29/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/5/2015 1:00 PM</b>
10/05/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/13/2015 9:30 AM</b>
10/13/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/19/2015 1:00 PM</b>
10/19/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/27/2015 9:30 AM</b>
10/27/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/2/2015 1:00 PM</b>
11/02/15	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/9/2015 9:30 AM</b>
11/09/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/16/2015 1:00 PM</b>
11/16/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/1/2015 9:30 AM</b>
12/01/15	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 12/7/2015 1:00 PM</b>
12/07/15	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 12/15/2015 9:30 AM</b>
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/12/2016 9:30 AM</b>
01/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 1/19/2016 1:00 PM</b>
01/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/26/2016 9:30 AM</b>
01/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/1/2016 1:00 PM</b>
02/01/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/9/2016 9:30 AM</b>
02/09/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 2/15/2016 1:00 PM</b>
02/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 2/23/2016 9:30 AM</b>
02/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/7/2016 1:00 PM</b>
03/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/15/2016 9:30 AM</b>
03/15/16	City Utilities Committee	HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 3/21/2016 1:00 PM</b>
03/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 3/29/2016 9:30 AM</b>
03/29/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 4/18/2016 1:00 PM</b>
04/18/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 4/26/2016 9:30 AM</b>
04/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/2/2016 1:00 PM</b>
05/02/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/10/2016 9:30 AM</b>
05/10/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 5/16/2016 1:00 PM</b>
05/16/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 5/24/2016 9:30 AM</b>
05/24/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/6/2016 1:00 PM</b>
06/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/14/2016 9:30 AM</b>
06/14/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 6/20/2016 1:00 PM</b>
06/20/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 6/28/2016 9:30 AM</b>
06/28/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/5/2016 1:00 PM</b>
07/05/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/12/2016 9:30 AM</b>
07/12/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 7/18/2016 1:00 PM</b>
07/18/16	Atlanta City Council	RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 7/26/2016 9:30 AM</b>
07/26/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 8/15/2016 1:00 PM</b>
08/15/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 8/23/2016 9:30 AM</b>
08/23/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/6/2016 1:00 PM</b>
09/06/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/13/2016 9:30 AM</b>
09/13/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 9/19/2016 1:00 PM</b>
09/19/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 9/27/2016 9:30 AM</b>
09/27/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/3/2016 1:00 PM</b>
10/03/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD

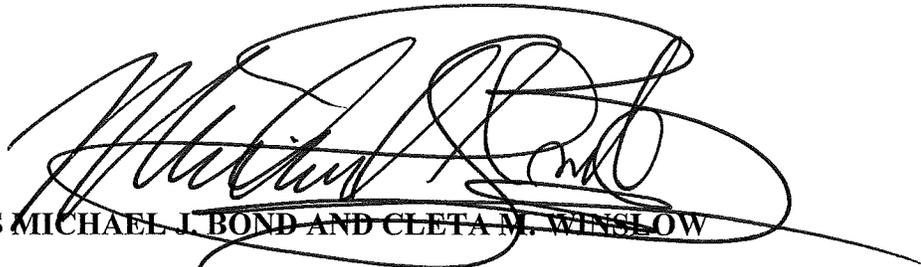
**RESULT:            RETURNED AS HELD**

**Next: 11/29/2016 9:30 AM**

15-R-3614

A RESOLUTION BY COUNCILMEMBERS MICHAEL JULIAN BOND AND CLETA WINSLOW AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS FROM THE 2015 MARTIN LUTHER KING DAY OF SERVICE GRANTS PROGRAM TO BE MATCHED WITH SEVENTY-ONE THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$71,428.00) DOLLARS FROM THE DEPARTMENT OF WATERSHED MANAGEMENT TO ENCOURAGE COMMUNITY SERVICE IN CONJUNCTION WITH THE GRAYMONT DRIVE SEWER INFRASTRUCTURE THREAT AND FOR ENCOURAGING LONG TERM COMMUNITY SERVICE; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	



**A RESOLUTION BY  
COUNCILMEMBERS MICHAEL J. BOND AND CLETA M. WINSLOW**

**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS FROM THE 2015 MARTIN LUTHER KING DAY OF SERVICE GRANTS PROGRAM TO BE MATCHED WITH SEVENTY-ONE THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$71,428) DOLLARS FROM THE DEPARTMENT OF WATERSHED MANAGEMENT TO ENCOURAGE COMMUNITY SERVICE IN CONJUNCTION WITH THE GRAYMONT DRIVE SEWER INFRASTRUCTURE THREAT AND FOR ENCOURAGING LONG TERM COMMUNITY SERVICE; AND FOR OTHER PURPOSES.**

**WHEREAS,** The Corporation for National and Community Service presently has available funding to support efforts to encourage long term community service in relation to the Martin Luther King, Jr. Day of Service; and

**WHEREAS,** the City will benefit from a program to stimulate increased participation in long term community service in collaboration with City programs; and

**WHEREAS,** the Department of Watershed Management has identified a project to address erosion that threatens a sewer line along Graymont Drive as a good fit for a community service project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** that the Mayor is hereby authorized to apply for and accept grant funding from the Corporation for National and Community Service for a 2015 Martin Luther King Day of Service Grant in the amount of Fifty Thousand (\$50,000.00) to be matched with Seventy-One Thousand Four Hundred Twenty-Eight (\$71,428) Dollars from the Department of Watershed Management to enhance engagement of community service for the program to address erosion that threatens the sewer line on Graymont Drive.

**BE IT FURTHER RESOLVED,** that the Agreement shall not become binding on the City and the City shall not incur any liability until such time as the Agreement has been signed by the Mayor and delivered to the Corporation for National and Community Service.

Attachment: 22 2015 MARTIN LUTHER KING DAY OF SERVICE (15-R-3614 : 2015 MARTIN LUTHER KING DAY OF SERVICE)



**A RESOLUTION BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG TO AUTHORIZE 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 9/13/16 AT THE REQUEST OF THE DEPARTMENT)**

WHEREAS, the City has experienced a violation of Monitoring and Sampling Program Standards as set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency ("EPA") and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia ("EPD") pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV -2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of Fecal Coliform Standards did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidations) 4310000 (Sanitary Administration); and

WHEREAS, the CSO Consent Decree, Section XI. 0. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

WHEREAS, the City has experienced a violation of Monitoring and Sampling Program Standards as set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency ("EPA") and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia ("EPD") pursuant to the CSO Consent Decree, Civil Action File No. 1 :95-CV -2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of Fecal Coliform Standards did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not be evidence of a violation of state or federal laws by the City, or does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidations) 4310000 (Sanitary Administration); and

WHEREAS, the CSO Consent Decree, Section XI. 0. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Chief Financial Officer of the City is authorized to issue checks in the amounts of \$ \_\_\_\_\_ payable to the State of Georgia and \$ \_\_\_\_\_ payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia for said violations of Fecal Coliform Standards at the \_\_\_\_\_ CSO Facility on \_\_\_\_\_.

BE IT FINALLY RESOLVED, that the said payments be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

CITY COUNCIL  
ATLANTA, GEORGIA

16-R-4262

SPONSOR SIGNATURES



Howard Shook, Councilmember, District 7



<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/11/2016 9:30 AM</b>
10/11/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 10/17/2016 1:00 PM</b>
10/17/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 10/25/2016 9:30 AM</b>
10/25/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/7/2016 1:00 PM</b>
11/07/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/15/2016 9:30 AM</b>
11/15/16	City Utilities Committee	HELD IN COMMITTEE
<b>RESULT:</b>	<b>HELD IN COMMITTEE</b>	<b>Next: 11/21/2016 1:00 PM</b>
11/21/16	Atlanta City Council	RETURNED AS HELD
<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 11/29/2016 9:30 AM</b>

16-R-4262

A RESOLUTION BY COUNCILMEMBERS HOWARD SHOOK AND NATALYN ARCHIBONG TO AUTHORIZE 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.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	



**A RESOLUTION BY  
COUNCILMEMBERS NATALYN ARCHIBONG AND HOWARD SHOOK**

**A RESOLUTION TO AUTHORIZE 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.**

**WHEREAS**, the City has experienced a violation of Monitoring and Sampling Program Standards as set out in Exhibit “A” hereto; and

**WHEREAS**, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (“EPA”) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (“EPD”) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of Fecal Coliform Standards did occur; and

**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidations) 4310000 (Sanitary Administration); and

**WHEREAS**, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

**WHEREAS**, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES**, that the Chief Financial Officer of the City is authorized to issue checks in the amounts of \$ \_\_\_\_\_ payable to the State of Georgia and \$ \_\_\_\_\_ payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental

Attachment: 21 EPA PENALTIES (16-R-4262 : EPA PENALTIES)

Protection Division of the Department of Natural Resources of the State of Georgia for said violations of Fecal Coliform Standards at the \_\_\_\_\_ CSO Facility on \_\_\_\_\_.

**BE IT FINALLY RESOLVED**, that the said payments be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

Attachment: 21 EPA PENALTIES (16-R-4262 : EPA PENALTIES)

#21

(Do Not Write Above This Line)	First Reading		FINAL COUNCIL ACTION
	Committee _____ Date _____ Chair _____ Referred To _____		<input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 1 <sup>st</sup> & 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
<p>A RESOLUTION BY COUNCILMEMBERS NATALYN ARCHIBONG AND HOWARD SHOOK</p> <p>A RESOLUTION TO AUTHORIZE 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.</p>	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 _____	<p style="text-align: center;">CERTIFIED</p>
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 <sup>ST</sup> ADOPT 2 <sup>ND</sup> READ & REFER <input checked="" type="checkbox"/> PERSONAL PAPER REFER  Date Referred _____ Referred To: <i>September 6, 2016</i> <i>City Utilities</i>  Date Referred _____ Referred To: _____  Date Referred: _____ Referred 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 _____	<p style="text-align: center;">MAYOR'S ACTION</p>

Attachment: 21 EPA PENALTIES (16-R-4262 : EPA PENALTIES)