



Minutes - Draft

PWI-Public Works & Infrastructure Committee

Tuesday, December 21, 2021

1:00 PM

Special Called Meeting

This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available

(1) via live stream on DCTV's webpage,

(2) on DCTVChannel23.TV

Meeting Started At: 2:33PM

Attendees: Commissioners Cochran-Johnson, Terry, Patrick, Rader, Johnson

Present 3 - Commissioner Lorraine Cochran-Johnson, Commissioner Robert Patrick, and Commissioner Ted Terry

I. MINUTES

2021-3529 Commission District(s): ALL
Minutes for the December 7, 2021 Public Works and Infrastructure Committee Meeting

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be approved. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

II. STATUS UPDATE

Infrastructure Update

-infrastructure update not presented at this meeting; will be forthcoming at a later date

III. AGENDA ITEM

Previously Heard Items:

[2021-2565](#)

Commission District(s): All
LB - Invitation No. 20-101309 On Call Concrete and Retainer Walls (Three (3) Year Multiyear Contract): for use by the Departments of Watershed Management (DWM), Facilities Management (FM), Recreation, Parks and Cultural Affairs (RPCA) Beautification and Public Works - Sanitation and Roads and Drainage (R&D) Divisions. Consists of forming, placing and finishing concrete as needed for curbs, gutters, sidewalks, retainer walls, cheekwalls, footings and steps. Recommend award to the lowest, responsive and responsible bidders: Construction 57 Incorporated, SD&C Inc. and DAF Concrete, Inc. Total Amount Not To Exceed: \$13,252,290.00.

MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be recommended for approval upon receipt of additional information to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-information provided by CPO Horner, Director Hayes

-TT: Motion to approve, contingent upon receipt of audit review

[2021-3223](#)

Commission District(s): All
CO - Change Order No. 3 to Contract No. 1094348 Sanitary Sewer Evaluation Study for Ongoing Sewer Assessment and Rehabilitation Program (OSARP): for use by the Department of Watershed Management (DWM). This contract consists of performing an evaluation study on wastewater collection system assets as part of the Consent Decree's Ongoing Sewer Assessment Program. This request is to increase the scope of work, funding, and the contract term through December 31, 2023. Awarded to Compliance EnviroSystems, LLC. Amount Not To Exceed: \$5,590,272.50.

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-Question LCJ: what is the necessity of this change order?

D Hayes: this change order has been requested due to the initial contract being awarded to 2 vendors. 1 vendor did not perform and was not able to hold their end of the bargain; this affected the completion of the project. This change order is requesting funds to be sent over from the vendor that did not perform to the vendor that did perform. We are taking funds from this and applying to CES.

-Question LCJ: have we had those necessary conversations with the non-performing party?

D Hayes: yes we have

-Question LCJ: were those funds expended to them prior to the completion of work? This money will come from the non-conforming party for work that was not performed.

CPO Horner: the contract does allow for the work to be done in stages, and the County pays in stages; the County pays for work that was successfully completed

D Hayes: the money does not get paid until the work is completed and verified; the only monies paid to this vendor was for the work that the vendor completed; but the vendor did not complete a substantial portion of the work that wasn't completed

-Question LCJ: why are we requesting money back from the vendor?

C Horner: We are actually asking for previously awarded money, but not spent, be awarded from one vendor to another LCJ: ok that's different; thank you for that clarity

2021-3404

Commission District(s): All

City of Atlanta CIP Payment (3rd Quarter 2020- 2nd Quarter 2021)

Cost: \$5,772,259.74

MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be recommended for approval upon receipt of additional information to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-information provided by COO Williams

-this agenda item is currently in OIIA audit review

-Question TT: what are we auditing with a payment?

Z Williams: each of the payment requests come through a series of activities related to the Clayton Water Treatment Plant, which we are a 50% participant with the city of Atlanta. The plant is located in Atlanta. What the audit office would be doing is taking another look to ensure the things we are being charged for, there's documentation that those work items actually took place. The more eyes looking at this before we write a check the better. They would be reviewing invoices, work completion status, and such behind us to ensure the numbers add up.

2021-3507

Commission District(s): 3, 5 and 7

A Resolution of the Governing Authority of DeKalb County, Georgia in Support of the Locally Preferred Alternative for the MARTA I-20 Transit Initiative

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 2 - Commissioner Cochran-Johnson, and Commissioner Patrick

No: 1 - Commissioner Terry

-information provided by Commissioner Johnson

-Question LCJ: should we be using a certain term as to whether we're seeking heavy or light rail in this process?

LJ: based on the leadership that we have in place, in control of federal dollars, they have asked us to be more specific with our definitions. Light rail is fine but it can be moved at any time; heavy rail, once built, must be continued. South DeKalb has been waiting on heavy rail for a long time. This is a chance to show the people we represent, along with our federal partners, what we can do. I want to leave that decision to them, but they are asking us to make some decisions locally because they don't know which way to go in terms of choosing. The funding has changed over time, and now we have the possibility of funding heavy rail; this gives our federal partners the chance at honing in.

-Question LCJ: when you say 'heavy', does that remove 'light'?

LJ: no based on what they are saying in Washington. Our Congress members have the power to change the policy; right now they want us to be more specific in our policies. I've had conversations in Washington and the funding has come forward; we need to make decisions around what we are asking for.

-information provided by Commissioner Terry

-TT: My biggest concern is that if the existing channels of funding for the next 5 years, is \$39 billion; the biggest opportunity for us in DeKalb to leverage is to basically do the status quo of what they're already funding, such as light rail and bus rapid transit. That is the preferred route for the FTA. I would like more clarity on - if we go in this direction of the LPA, will we be committing ourselves to this, or are we saying we're keeping all of our options on the table? The long term concern I have is that we might be waiting for money that, in best intentions our Congress members will work for, but I don't know if they can quite guarantee us that funding, understanding that the Democrats may not be in power this time next year.

-LJ: you made some great points commissioner. Regarding the \$39B, heavy rail in south DeKalb is \$1.2B. We have an opportunity now with this leadership, time is of the essence, to move forward on a promise that has not been kept in South DeKalb. We need definitive answers to give regarding rail in South DeKalb. Also, with the \$1.3 trillion infrastructure bill, I don't see this as out the realm of possibility.

-JR: the transit planning business is full of very specific vernacular. The reference to a locally preferred alternative is problematic, because the only approved LPA approved by MARTA for the I-20 corridor is aligned in the median of I-20. GDOT has already precluded our putting MARTA rail facilities in that median because they are reserving that alignment for the managed lanes as part of their major mobility implementation program. MARTA is supposedly developing a revised LPA that would carry the rail alignment outside of the I-20 right-of-way; the LPA referenced here is infeasible as long as the GDOT maintains their authority over that median. Secondly, if we were selected for this, the comprehensive transit local plan estimated that, in order to meet the local match requirements, we would have to levy 2 local pennies in TSPLOST and not be able to build any other transit improvements with those 2 pennies due to the expense associated with this particular project. That has to be approved by referendum. I don't know that this would constitute 100% federal funding nor circumvent the FTA's decision-making protocols on transit projects because it depends on very high ridership to build high-capacity transit. I want to see a solution, I just don't want us to be boxed in with only one option at our disposal.

-LJ: It's funny that when MARTA often says something is too expensive, we believe them, but we question other things such as routes and bus stops. With GDOT, if they haven't built anything yet, we have the opportunity to say the Federal government is funding and we need that right-of-way. They have reversed themselves on decisions before. I want to make sure we continue to keep the people in South DeKalb who have been waiting for heavy rail the opportunity to make sure they do it.

-Question JR: could we supplement this with an expectation of GDOT to give us access to the right-of-way to make it easier and quicker to build? Regarding us believing MARTA, that is one of the reasons we did our own transit master plan to independently evaluate their proposals. Our consultant bid indicated that it was costly to build.

-LCJ: I am all for getting our representatives in Washington what they need, but I am going to ask that we bring in those representatives as well as GDOT. If the request is for heavy rail, I really want to hear that commitment and how they've derived that heavy rail is the best and only way for us to go at this time. That is my only concern; when there has been the pursuit of heavy rail historically, it has been for a specific reason; but the cost is so great. What we're requesting is a deviation from the transit master plan, and we voted 6-1 to approve the 15th amendment regarding MARTA's bonding capacity.

-information provided by Commissioner Terry

-TT: hearing from the FTA, from Secretary Buttigieg's office, levels of the Congressional and Administration levels to help us think more thoroughly through this would help.

-information provided by Commissioner Patrick

-Question RP: is it your understanding that the federal government will pay for this all? Would the one or two pennies be

sufficient?

-LJ: there are \$39B that wasn't there 2 years ago. They want us to make a decision on what you want to see in south DeKalb. What I'm proposing is what the people have proposed for years. Regarding the 2 pennies, we can do this as with our other policies, and come back later and help make that decision. We never try to make all those decisions up front. We have people in an area that have been promised rail years ago, we have funding opportunities, leadership at the federal level saying they could help us if we make these decisions; we didn't have that years ago. This resolution sets a priority to tell them what we are looking for.

-Question RP: If we commit to this are we forgoing any other option? By going with what you're proposing, are we clouding the issue? What's in motion is the plan we're going with?

-LJ: plans change all the time; what's been consistent throughout this ask is that it's been for a community that's been patient in getting this. We have the chance to do something significant and give these residents the chance to get it in their area. Now we have opportunities for funding and federal partners that will help push. This is the perfect storm right now.

-RP: is there wording that we can include 'we like this but there is a fallback that we don't want to delay'? For the LPA, the idea of the heavy rail, is there a way this can be crafted to say this is the gold standard of expectation, but we have a fallback position of what's already in the works?

LJ: you have that already in the transportation plan regarding a list of priorities for rail and bus rapid transit. Out of the 3 options, which one would be the one that you prefer? This isn't the only choice; we just need to be definitive that this is our first choice. Then they can look down the line if they need to with the other priorities; the way our Congress is they may not just do one thing, they may look at all 3.

-JR: LPA is a specific term of art that includes a specific term of art, that includes the heavy rail mode, location of stations, and many other elements; it is the penultimate decision. The only other decision needed is the filling of a NEPA document; with those in hand and funding to meet the local match, you can pursue funding with the FTA. Unfortunately because of GDOT's action, it's not available to us. Because of that in what we choose to adopt, in that request, we should include language to have GDOT reverse that course because we want the locally preferred alternative along the I-20 corridor.

-RP: to that point, this might be a bit of a hail mary, but why not ask why we have the opportunity

-Question TT: have Lithonia and Stonecrest told us that they want heavy rail? Or are they still in support of the plan that has light rail and bus rapid transit?

LCJ: I cannot say I am aware of the stance of those partners because I'm not privy to all conversations. This item could be amended to include, but not to exclude, additional options including light rail and BRT. But if the document does not include the inclusion of other forms, then that's what we have to trust. I believe for this to be successful we will need a referendum to put the funding forward. I look forward to those representing us in Washington bringing home the money.

-TT: if we pass this resolution and approve through the full Board, what is the expectation of what happens next?

LCJ: I would expect that we've given them approval to come back and show us the money

-Question TT: what will doing this change? My thinking is that if we are approving this, we are setting our destiny, saying we are going all in on heavy rail and we're going back to the plan developed 30 years ago. With the Rivian plant coming, and 10,000+ jobs being created, Henry, Rockdale, and Newton counties have all developed their own transit plans, and we're not even talking about connecting into their systems. We're going off of information that is outdated and the theory of change has changed. If this is the direction we go as a commission I'm fine with that because my next argument would say that we need to put this transit funding referendum on the ballot in 2022, and we put our money where our mouth is.

-RP: motion to approve 2021-3507, with a friendly amendment that the locally preferred alternative is clearly stated as 'heavy rail', and to include that whatever our transportation planning documentation refers to as an 'alternative', viable options be included with this preferred option. If this gold standard of heavy rail is not viable, that we acknowledge the planning documents in place now or to be approved in the near future, those options are considered just as viable. If heavy rail, which is the locally-preferred alternative cannot be achieved, there will be considerations given to additional modes of transportations, including but not limited to, light rail as well as bus rapid transit. Our transit master plan documentation would be an addendum to this as well.

-Question LJ: Commissioner Patrick, the heavy rail would be our preferred choice, and if that doesn't come to fruition then we revert back to our transportation alternatives?

RP: that's correct

-Question JR: are you placing this as a priority above other transportation programs?

RP: my intent is to acknowledge that our fellow commissioner has the ear of those that can make this opportunity possible. If there is something that Commissioner Johnson has seen that we haven't I don't have a problem moving with that. However, if

that doesn't work out, there are other options that are already considered.

-LJ: I would never put DeKalb County in jeopardy at all; you don't have to take those other options off the table. I don't see this as a zero-sum game

-Second TT

TT: I believe we're going about this the wrong procedure because this is changing the comprehensive transit master plan without public review, comment, or input from the cities. This alternative is transit for southeast DeKalb. Population growth is happening all over but the southwest DeKalb wouldn't benefit from this. We are making a significant policy decision and many people don't know about it.

-Vote: 2-1 yes (TT no)

New Agenda Items:

[2021-3455](#)

Commission District(s): ALL

CA-Crawler Dozer with 170 HP (horsepower) Engine and Powershift Transmission: for use by Public Works-Fleet Management to be used by Public Works-Sanitation. Consists of piggybacking off the competitively let Sourcewell Cooperative Agreement No. 032119-CAT to purchase one (1) crawler dozer with 170 hp engine and powershift transmission to grade, control slopes and cover the working face of the Seminole Landfill. Awarded to Yancey Brothers Co. Amount Not To Exceed: \$415,098.00.

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-no additional information requested

[2021-3465](#)

Commission District(s): ALL

LB-Invitation No. 21-101450-Trailer Mounted Diesel-Powered Tub Grinder: for use by Public Works-Fleet Management to be used by Public Works-Sanitation. Consists of one (1) trailer mounted diesel-powered tub grinder to be used for grinding up yard waste such as cut trees, limbs and brush. Recommend award to Heavy Machines, Inc. Amount Not To Exceed: \$1,056,988.00.

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-no additional information requested

[2021-3533](#)

Commission District(s): 5 & 7

Intergovernmental Agreement with Rockdale County, Georgia To Provide Sewage Services for Honey Creek Drainage Basin

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 1/11/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-no additional information requested

WALK ON: to address the rescission of 2021-3318

This agenda item was no official recommendation

-item not heard in committee

WALK ON: to address the rescission of 2021-3248

This agenda item was no official recommendation

-item not heard in committee

Meeting Ended At: 4:22PM

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be adjourned meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

Barbara H. Sanders-Norwood CCC, CMC