

David White 10-0-1171
 (Do Not Write Above This Line)

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ("IGA") WITH THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ("MARTA") SPECIFYING THE TERMS UNDER WHICH MARTA WILL PARTNER WITH THE CITY TO APPLY TO THE OFFICE OF THE SECRETARY OF TRANSPORTATION FOR A DISCRETIONARY GRANT FOR NATIONAL INFRASTRUCTURE IMPROVEMENTS WHICH HAVE BEEN MADE AVAILABLE PURSUANT TO THE TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT FOR 2010 FOR THE PURPOSE OF CONSTRUCTING A STREETCAR SYSTEM; AUTHORIZING THE MAYOR TO EXPEND \$35,000 TO PAY CERTAIN EXPENSES TO BE INCURRED IN PREPARING THE APPLICATION; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY OVER SUCH FUNDS TO MARTA UNDER THE TERMS AND CONDITIONS SET FORTH IN THE IGA; AUTHORIZING THE MAYOR TO EXECUTE AN IGA SPECIFYING THE TERMS UNDER WHICH THE CITY CAN COMMIT \$1,000,000 IN ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE OPERATIONS AND MAINTENANCE OF SUCH STREETCAR SYSTEM; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SUCH TAX FUNDS IN A RESERVE FOR SUCH OPERATION AND MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

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

Date Referred: 6/7/10
 Referred To: Finance/Exec
 Date Referred: JUL 06 2010
 Referred To: COUNCIL

SUBSTITUTE

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee: Finance/Exec
 Date: 6/11/10
 Chair: *[Signature]*

Fav. Adv. Hold (see rev. side)
 Action: *[Signature]*
 Other: _____

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee: Finance/Exec
 Date: 6/30/10

Action: *[Signature]*

Fav. Adv. Hold (see rev. side)
 Other: *[Signature]*
 Members: *[Signature]*

Fav. Adv. Hold (see rev. side)

Members

Refer To

Refer To

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

CERTIFIED

CERTIFIED
 JUL 06 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
 JUL 06 2010

[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 15 2010

WITHOUT SIGNATURE
 BY OPERATION OF LAW

10-0-1171

**AN ORDINANCE BY
COUNCILMEMBERS KWANZA HALL, MICHAEL JULIAN BOND, AARON
WATSON AND H. LAMAR WILLIS
AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (“IGA”) WITH THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (“MARTA”) SPECIFYING THE TERMS UNDER WHICH MARTA WILL PARTNER WITH THE CITY TO APPLY TO THE OFFICE OF THE SECRETARY OF TRANSPORTATION FOR A DISCRETIONARY GRANT FOR NATIONAL INFRASTRUCTURE IMPROVEMENTS WHICH HAVE BEEN MADE AVAILABLE PURSUANT TO THE TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT FOR 2010 FOR THE PURPOSE OF CONSTRUCTING A STREETCAR SYSTEM; AUTHORIZING THE MAYOR TO EXPEND \$35,000 TO PAY CERTAIN EXPENSES TO BE INCURRED IN PREPARING THE APPLICATION; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY OVER SUCH FUNDS TO MARTA UNDER THE TERMS AND CONDITIONS SET FORTH IN THE IGA; AUTHORIZING THE MAYOR TO EXECUTE AN IGA SPECIFYING THE TERMS UNDER WHICH THE CITY CAN COMMIT \$1,000,000 IN ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE OPERATIONS AND MAINTENANCE OF SUCH STREETCAR SYSTEM; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SUCH TAX FUNDS IN A RESERVE FOR SUCH OPERATION AND MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

WHEREAS, on December 16, 2009 the President of the United States signed the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 (Div. A of the Consolidated Appropriations Act, 2010 (Pub. L.11-117, Dec. 16, 2009)(“FY 2010 Appropriations Act”); and

WHEREAS, the FY 2010 Appropriations Act appropriated \$600 million of discretionary grant funds to be awarded by the United States Department of Transportation (“USDOT”) for “National Infrastructure Investments;” and

WHEREAS, the appropriation is similar to but not identical to the appropriation for grants known as “Transportation Investment Generating Economic Recovery” (“TIGER Discretionary Grants”) authorized and implemented by the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”); and



WHEREAS, because of the similarity in program structure, USDOT is referring to the National Infrastructure Investments Grants as “TIGER II Discretionary Grants” and

WHEREAS, on April 26, 2010, USDOT published a notice in the Federal Register that solicits applications for TIGER II Discretionary Grants to be submitted by from “Eligible Applicants” which term includes local governments like the City of Atlanta and transit agencies like MARTA; and

WHEREAS, the pre-application deadline is July 16, 2010 and the final deadline is August 23, 2010 such that the Office of the Secretary of Transportation has directed the departments and agencies of USDOT to award TIGER Discretionary Grants based on selection criteria to be published not later than May 28, 2010 by notice in the Federal Register; and

WHEREAS, the funds provided by TIGER Discretionary Grants will be awarded on a competitive basis to projects that have a significant impact on the Nation, a metropolitan areas or a region; and

WHEREAS, the Federal Register notice states that USDOT does not have to give priority to projects that are expected to be completed on or before February 17, 2012, the TIGER II Discretionary Grant Funds are available for obligation only through September 30, 2012; and

WHEREAS, the need and justification for the TIGER II Discretionary Grants can generally be established in the same manner as a TIGER Discretionary Grant with respect to a project that increases mobility for citizens and visitors who depend on public transit, supplements transit access and distribution for MARTA, rail, local and regional buses, reduces traffic congestion, increases the value of real property, provides job creation and economic stimulus; and

WHEREAS, significant plans and preparation concerning the feasibility of the construction of a streetcar system on certain segments of right of way in the City has been developed through the Atlanta Committee for Progress, the Peachtree Corridor Task Force and the preparation of the TIGER Discretionary Grant Application; and

WHEREAS, the investment in the infrastructure required for the streetcar project would accelerate planned growth, inspire additional infrastructure projects and increase the value of existing properties near the Corridor; and

WHEREAS, certain segments of the entire Corridor provide an increased opportunity for immediate installation of a streetcar due to existing higher density of development, transit connectivity and access to key destinations; and

WHEREAS, MARTA provides a high level of specialized expertise in the planning for operation of rail transit systems; and



WHEREAS, the existing engineering plans, environmental assessments, land use studies, financial analysis and existing governance structures already developed for the streetcar project and the TIGER Discretionary Grant Application can be adapted for the TIGER II Discretionary Grant application such that this project appears to provide the best opportunity for the City, MARTA and their stakeholders to make a pre-application by July 16, 2010 and a final application August 23, 2010; and

WHEREAS, the Midtown Community Improvement District and The Atlanta Downtown Improvement District have both passed resolutions of their respective boards of directors in support of this effort to create a street car and both previously made a grant to the City of \$300,000 for the purpose of making the initial Tiger Discretionary Grant application; and

WHEREAS, certain ongoing negotiations with MARTA have indicated that MARTA wishes to partner with the City in making an application for the TIGER II Discretionary Grant for the streetcar project; and

WHEREAS, the Federal Register states that in all cases TIGER II Discretionary Grant Applications will need to be competitive on the merits of the medium to long term impact of the projects themselves such that the extent to which a sustainable source of revenue is available for long term operations and maintenance of the project; and

WHEREAS, the City has identified the Rental Car Taxes authorized pursuant to O.C.G.A. § 48-13-90 *et seq* and imposed by City Code Sec. 30-51 *et seq* and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48-13-50 *et seq* and imposed by City Code Sec. 146-76 *et seq* as a sustainable source of revenue that is available to be committed at certain defined level as a funding source for long term operations and maintenance of the project.

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

Section 1: The Mayor is authorized to execute an intergovernmental agreement with MARTA for the purpose of preparing a TIGER II Discretionary Grant application to be sent to USDOT pursuant to the April 26, 2010 Federal Register notice set forth in Vol. 75, No. 79 at pp. 21695 *et seq* and as amended for the purpose of giving notice to the public of the application.

Section 2: The City's participation in the TIGER II Discretionary Grant application is authorized to be made with the project scope describing a "streetcar" project but such authorization shall not be limited to the existing engineering plans, environmental assessments, land use studies, financial analysis and existing governance structures in the event that MARTA and the City believe adjustment of the existing documents and development of additional documents is required to increase the possibility that the funding will be approved.



Section 3: The Chief Financial Officer shall be authorized to expend not more than \$35,000 in furtherance of the IGA authorized by this Ordinance from 7701 (Trust Fund) 5212001 (Consulting/Professional) 25101 (PCD Commissioner) 1320000 (Function Activity) 600031 (Streetscape Improvements & Maintenance Programs), such amount for the purpose of paying to MARTA the expenses associated with the TIGER II Discretionary Grant application.

Section 4: The Mayor or his designee is authorized to execute any additional documents, including amendments to the intergovernmental agreement which may be required to complete the TIGER II Discretionary Grant application in order to meet the July 16, 2010 pre-application deadline or the August 23, 2010 final deadline for such application provided that the financial obligations of the City are not increased beyond the permission granted in this ordinance.

Section 5: The Mayor is authorized to execute an intergovernmental agreement with MARTA for the purpose of the TIGER II Discretionary Grant application to be sent to USDOT pursuant to the April 26, 2010 Federal Register notice set forth in Vol. 75, No. 79 at pp. 21695 *et seq* and as amended which shall commit the City to pay up to one million dollars annually for operation and maintenance of the streetcar system for a period not to exceed 20 years from the date of execution, provided however that no funds for operations and maintenance shall be expended until the streetcar line is constructed and in operation collecting fares from riders. In no case shall any portion of the funds be used to fund any operations and maintenance not directly attributable to a streetcar that is operation in the City of Atlanta and that has been built in whole or in part with TIGER II Discretionary Grant funds. The source of such funds shall be those excise taxes authorized pursuant to O.C.G.A. § 48-13-90 *et seq* and imposed by City Code Sec. 30-51 *et seq* and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48-13-50 *et seq* and imposed by City Code Sec. 146-76 *et seq*, provided however that the proportion of the funding commitment from each tax source shall be at the Mayor's discretion as approved in an annual budget.

Section 6: The Chief Financial Officer shall be authorized to create such reserve accounts as may be necessary to receive the appropriation of those excise taxes authorized by this ordinance and to create such accounts as may be necessary to expend such funds in accord with this ordinance.

Section 7: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta Council
 RETURNED WITHOUT SIGNATURE OF THE MAYOR
 APPROVED as per City Charter Section 2-403

JUL 06, 2010

JUL 15, 2010

RCS# 428
7/06/10
4:41 PM

Atlanta City Council

REGULAR SESSION

10-O-1171 AUTH.MAYOR TO ENTER IGA W/MARTA TO APPLY
SEC.OF TRANS.GRANT FOR IMPROVEMENTS
ADOPT ON SUB

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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