

#5

10-0-1692

(Do Not Write Above This Line)

AN ORDINANCE BY *Howard Shook*  
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE ALLOCATING FUNDING FOR A PROJECT TO BE INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM ("CIP") / SHORT TERM WORK PROGRAM (STWP) FOR THE PURPOSE OF CONSTRUCTING AND RECONSTRUCTING SYSTEM IMPROVEMENTS ALONG PEACHTREE STREET; AND FOR OTHER PURPOSES.

ADOPTED BY

OCT 1 8 2010

SUBSTITUTE

COUNCIL

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

Date Referred *09/07/2010*

Referred To: *OH*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

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

Committee *City Utilities*  
Date *Sept. 14, 2010*  
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 *City Utilities*  
Date *Oct. 2, 2010*  
Chair *Yolanda Cuddehe*  
Action Fav, Adv, Hold (see rev. side) Other *ON substitute*  
Members *Yolanda Cuddehe*  
Refer To *Howard Shook*

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

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
OCT 1 8 2010  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
OCT 1 8 2010  
Florida Daughin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 2 7 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**AN ORDINANCE  
BY COUNCILMEMBER HOWARD SHOOK  
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**10-0-1692**

**AN ORDINANCE ALLOCATING FUNDING FOR A PROJECT TO BE INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM (“CIP”) / SHORT TERM WORK PROGRAM (STWP) FOR THE PURPOSE OF CONSTRUCTING AND RECONSTRUCTING SYSTEM IMPROVEMENTS ALONG PEACHTREE STREET; APPROVING THE AMENDMENT TO THE ANNUAL SIDEWALK CONTRACT WHICH WILL AUTHORIZE THE EXPENDITURES NECESSARY FOR THE CONSTRUCTION; AND FOR OTHER PURPOSES.**

**WHEREAS**, the approved plans for certain redevelopment projects fronting Peachtree Street has resulted in sidewalk closures, the reconfiguration of certain parts of the right of way, utility adjustments and the removal of street signs on Peachtree Street and certain surrounding streets; and

**WHEREAS**, temporary arrangements for the purpose of redevelopment are commonly allowed by the City with respect to sidewalk closures, the reconfiguration of certain parts of the right of way, utility adjustments and the removal of street signs; and

**WHEREAS**, the difficult economic environment has caused certain development projects on Peachtree Street to be delayed after such infrastructure work was undertaken in connection with those developments; and

**WHEREAS**, the safe movement of pedestrians and the reduction of conflicts between traffic flow and pedestrians on this heavily travelled part of Peachtree Street as well as certain adjacent streets requires that such infrastructure work be constructed or reconstructed; and

**WHEREAS**, those system improvements for the safe movement of pedestrians and the improvement of the right of way to increase carrying capacity of Peachtree Street, have been or will shortly be identified in the capital improvement program and the short term work plan as a project to be identified as the Buckhead Village Sidewalk Improvements; and

**WHEREAS**, Ben Carter Properties has stated its intention to assist with the sidewalk remediation project in the area of its Streets of Buckhead project as a possible way to reduce the City’s expenses in connection with this project; and

**WHEREAS**, by the passage of this Ordinance, the governing authority will confirm that this project will be in proximity to certain fee paying projects which have generated development impact fees sufficient to fund these improvements; and

**WHEREAS**, state law and City ordinance allow transportation impact fees to be used not only for improvements in and to the right of way but also for traffic signals and landscaping; and



**WHEREAS**, the project improvements to be financed by development impact fees will cause the service level of Peachtree street to increase through added pedestrian carrying capacity, better traffic movement through intersections and other system improvements which will reduce the conflicts between traffic flow and pedestrians; and

**WHEREAS**, funds are available in the reserve for development impact fees in the General Government Capital Outlay Fund Budget to complete these system improvements; and

**WHEREAS**, the City did solicit bids for Contract No. FC-4943, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters; and

**WHEREAS**, on September 21, 2009, the City Council adopted Resolution 09-R-1549 which was approved by the Mayor on September, 25, 2009 which authorized the execution of Contract No. FC-4943D with SD&C, Inc. as an annual contractor that can perform the type of work necessary to implement the intent of this ordinance without the need for a separate procurement process; and

**WHEREAS**, the Department of Public Works wishes to enter into Amendment #3 of Contract No. FC-4943D so that SD&C, Inc. can perform the work necessary to complete the project improvements authorized by this ordinance;

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

**SECTION 1:** That the 2011 (General Government Capital Outlay Fund) Budget is amended in an amount not to exceed two hundred thousand dollars (\$200,000) that is to be transferred to and from the following accounts:

**TRANSFER FROM:**

**PTAEO:**

General Government	X0451 D.I.F	SWMA	Reserve	City of Atlanta
Capital Outlay Fund	Admin	Loan 9985	Conversion	COA
13201053	101	350291105	5999901	

**General Ledger FDOA:**

General Government	DPW Office of	Projects &	Function	D.I.F Admin
Capital Outlay Fund	Transportation	Grants Budget	Activity	Transp.
3502	130308	5999999	4270000	201053

Funding  
Source  
91105

**TOTAL: \$200,000**



**TRANSFER TO:**

**PLAEO:**

General Government	Task	Award	Expenditure	City of Atlanta
Capital Outlay Fund	No.	No.	Type	COA
13110892	101	350291105	5414002	

**General Ledger FDOA:**

General Governmental	DPW Office of	Projects &	Function	Project
Capital Outlay Fund	Transportation	Grants Budget	Activity	No.
3502	130308	5999999	4270000	110892

Funding  
Source  
91105

**TOTAL: \$200,000.00**

**SECTION 2:** The City Attorney is authorized to negotiate with Ben Carter Properties for the purpose of entering into an agreement that would, at no cost to the City, cause the repair of sidewalks and certain infrastructure in the City’s right of way adjacent to the Streets of Buckhead development, in whole or in part, subject to the approval of the Commissioner of the Department of Public Works as to the scope of the project and the standards to be applied in the construction.

**SECTION 3:** On behalf of the City, the Mayor is authorized to enter into an agreement with Ben Carter Properties that would, at no cost to the City, cause the repair of sidewalks and certain infrastructure in the City’s right of way adjacent to the Streets of Buckhead development, in whole or in part, subject to the approval of the Commissioner of the Department of Public Works as to the scope of the project and the standards to be applied in the construction.

**SECTION 4:** The Mayor is authorized to execute Amendment Agreement Number 3 for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters with SD&C, Inc. on behalf of the Department of Public Works in an amount not to exceed Two Hundred Thousand Dollars (\$200,000).

**SECTION 5:** The Chief Procurement Officer is authorized to assist the City Attorney in the preparation of Amendment Agreement Number 3 for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters with SD&C, Inc.

**SECTION 6:** Amendment Agreement Number 3 for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters with SD&C, Inc. shall not become binding on the City and the City shall incur no liability under it until the contractual agreement has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to SD&C, Inc.



**SECTION 7:** The use of City funds for the purpose of funding these system improvements shall not be construed to prevent the City from seeking reimbursement for the cost of repair from the parties responsible for the damage to the sidewalks and rights of way that would have been otherwise be required to have been undertaken by the developer as a part of the redevelopment of the properties adjacent thereto.

**SECTION 8:** This ordinance shall become effective after it is signed by the Mayor or as otherwise provided in Sec. 2-403 of the City Charter.

A true copy.



Deputy Clerk

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

**OCT 18, 2010**

**OCT 27, 2010**

RCS# 603  
10/18/10  
2:58 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I

		<b>10-18-10</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 10-O-1419	36. 10-R-1791	47. 10-R-1801
2. 10-O-1717	37. 10-R-1792	48. 10-R-1802
3. 10-O-1718	38. 10-R-1793	49. 10-R-1803
4. 10-O-1719	39. 10-R-1794	
5. 10-O-1720	40. 10-R-1795	
6. 10-O-1702	41. 10-R-1796	
7. 10-O-1811	42. 10-R-1797	
8. 10-O-1420	43. 10-R-1798	
9. 10-O-1692	44. 10-R-1799	
10. 10-O-1722	45. 10-R-1800	
11. 10-R-1721	46. 10-R-1804	
12. 10-R-1816		
13. 10-R-1771		
14. 10-R-1772		
15. 10-R-1654		
16. 10-R-1764		
17. 10-R-1765		
18. 10-R-1766		
19. 10-R-0944		
20. 10-R-1774		
21. 10-R-1775		
22. 10-R-1777		
23. 10-R-1778		
24. 10-R-1779		
25. 10-R-1780		
26. 10-R-1812		
27. 10-R-1782		
28. 10-R-1783		
29. 10-R-1784		
30. 10-R-1785		
31. 10-R-1786		
32. 10-R-1787		
33. 10-R-1788		
34. 10-R-1789		
35. 10-R-1790		