

MEMORANDUM
CITY OF ST. PETERSBURG

City Council Meeting of September 7, 2017

TO: The Honorable Darden Rice, Chair, and Members of City Council

FROM: Clay Smith, Director, Downtown Enterprise Facilities Department *cds*

SUBJECT: An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and any additional Supplemental Joint Participation Agreements (collectively, "JPAs"), including but not limited to the Aviation Program Assurances ("Grant Assurances"), to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") funds in an amount not to exceed \$290,000 ("Grants") for the Terminal Hangar Project (Project #13279), which, *inter alia*, require that the City not sell, lease, encumber or otherwise transfer or dispose of any part of the City's right, title or other interests in Albert Whitted Municipal Airport ("Airport"), make the Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to apply for and accept the Grants in an amount not to exceed \$290,000; rescinding funding in the amount of \$285,777 from the Airport Terminal Hangar Project (Project #13279) as a result of the expiration of a FDOT grant and approving a supplemental appropriation of \$290,000 to the Airport Terminal Hangar Project (Project #13279) from the increase in the Airport Capital Fund (4033) from this new grant; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

EXPLANATION: Section 1.02 (c) (5) B of the St. Petersburg City Code authorizes City Council, by an ordinance dealing with only a single encumbrance, receiving a public hearing and receiving an affirmative vote for at least six (6) members of City Council, to permit the recording of encumbrances on Albert Whitted Airport as follows:

Encumbrances or restrictions of up to twenty years for that property or portions of that property generally known as Albert Whitted Airport which would restrict the use of that property, or portions of that property, to airport uses each time such a restriction is executed. The Albert Whitted property is generally described as:

All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida

The general scope of the Terminal Hangar Project (Project #13279) involves the design and construction of a new $\pm 7,350$ sq/ft aircraft storage hangar located to the immediate southwest of the Galbraith Terminal Building. The exterior of the new hangar will be aesthetically enhanced to compliment the Galbraith Terminal Building.

Design has been completed with the Notice to Proceed being issued to Caladesi Construction in May 2016. The original construction schedule had the project being completed in September 2016. However, due to sub-contractor issues, specifically a failure of the steel frame supplier and manufacturer to meet project scheduling and supply requirements, the project has had multiple delays. These have now been rectified and construction has resumed with the successful delivery of the steel framing this past month. The project is estimated to be completed before year's end.

The City has secured two (2) grants from the Florida Department of Transportation ("FDOT") for this project. The FDOT grants provide eighty percent (80%) toward the eligible project costs with the City's match requirement of the remaining twenty percent (20%). One of these grants has recently expired. Although the FDOT would not agree to extend this grant, they have instead offered to issue a new grant to provide the residual funds that had been left on the original grant.

Acceptance of any grants requires the City to meet certain grant assurances, including, but not limited to a 20-year commitment to make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, and to maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment.

This is a first Reading of the Ordinance.

RECOMMENDATION: Administration recommends adoption of the attached Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and any additional Supplemental Joint Participation Agreements (collectively, "JPAs"), including but not limited to the Aviation Program Assurances ("Grant Assurances"), to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") funds in an amount not to exceed \$290,000 ("Grants") for the Terminal Hangar Project (Project #13279), which, *inter alia*, require that the City not sell, lease, encumber or otherwise transfer or dispose of any part of the City's right, title or other interests in Albert Whitted Municipal Airport ("Airport"), make the Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to apply for and accept the

Grants in an amount not to exceed \$290,000; rescinding funding in the amount of \$285,777 from the Airport Terminal Hangar Project (Project #13279) as a result of the expiration of a FDOT grant and approving a supplemental appropriation of \$290,000 to the Airport Terminal Hangar Project (Project #13279) from the increase in the Airport Capital Fund (4033) from this new grant; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

Cost/Funding/Assessment Information: The City receives funding from the FDOT in an amount not to exceed \$290,000 which will be used to replace the residual funding that was left on the original grant at expiration. The grant provides eighty percent (80%) toward eligible project costs with the City responsible for the remaining twenty percent (20%) match. Funding in the amount of \$1,146,500 has been previously appropriated, including the City matching funds. The total project funding in the amount of \$1,150,723 will be available after a rescission in the amount of \$285,777 from the Airport Terminal Hangar Project (Project #13279) and a supplemental appropriation in the amount of \$290,000 to the Airport Terminal Hangar Project (Project #13279) from the increase in the Airport Capital Fund (4033) resulting from this grant.

Approvals:

Administration: _____

Budget: _____

Legal: 00338399.doc v1

Ordinance No. _____

An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and any additional Supplemental Joint Participation Agreements (collectively, "JPAs"), including but not limited to the Aviation Program Assurances ("Grant Assurances"), to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") funds in an amount not to exceed \$290,000 ("Grants") for the Terminal Hangar Project (Project #13279), which, *inter alia*, require that the City not sell, lease, encumber or otherwise transfer or dispose of any part of the City's right, title or other interests in Albert Whitted Municipal Airport ("Airport"), make the Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to apply for and accept the Grants in an amount not to exceed \$290,000; rescinding funding in the amount of \$285,777 from the Airport Terminal Hangar Project (Project #13279) as a result of the expiration of a FDOT grant and approving a supplemental appropriation of \$290,000 to the Airport Terminal Hangar Project (Project #13279) from the increase in the Airport Capital Fund (4033) from this new grant; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Albert Whitted Municipal Airport is defined by the City of St. Petersburg, Florida, City Charter Section 1.02(c)(5) B. as: All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida.

Section Two. The Florida Department of Transportation ("FDOT") has offered the City funding in an amount not to exceed \$290,000 for the Terminal Hangar Project (Project #13279) which replaces the residual funds from the previous project grant which has expired.

Section Three. The restrictions contained in assurances ("Grant Assurances") which are set forth in the grant documents to be executed by the City, as a requirement for receipt of FDOT grants in an amount not to exceed \$290,000, for projects described in Section Two of this ordinance, which require that the City not sell, lease, encumber or otherwise transfer or dispose of any part of the City's right, title or other interests in the Airport, make the Airport available as an airport for public use on fair

and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA.

Section Four. The Mayor or his designee is authorized to accept the grant from the FDOT for additional funding in an amount not to exceed \$290,000.

Section Five. The Mayor or his designee is authorized to execute all documents necessary to effectuate this ordinance.

Section Six. There is hereby rescinded the following unencumbered appropriations in the Airport Capital Improvement Fund (4033) resulting from the expired grant:

Airport Capital Improvement Fund (4033)

Airport Terminal Hangar (Project #13279) \$285,777

Section Seven. There is hereby approved from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues, the following supplemental appropriations for the Fiscal Year 2017:

Airport Capital Improvement Fund (4033)

Airport Terminal Hangar (Project #13279) \$290,000

Section Eight. Severability. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this ordinance.

Section Nine. Effective date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Section Ten. Expiration. In the event the FDOT fails to award the grant set forth in Section Two, above, within one year of the effective date of this ordinance, this ordinance shall expire.

Approvals:

Legal:

Administration:

Budget:

Legal: 00338400.doc v1