

MEMORANDUM
CITY OF ST. PETERSBURG

City Council Meeting of May 21, 2009

TO: The Honorable Jeff Danner, Chair, and Members of City Council

FROM: Chris Ballestra, Director, Downtown Enterprise Facilities Department

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 the Assurances ("Grant Assurances") which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in the estimated amount of \$48,000 ("Grant") which require that the City will make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, use 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 date of acceptance of the Grant; authorizing the Mayor or his designee to apply for and accept the Grant in the estimated amount of \$48,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount of \$48,000 to the Airport – Construction of Taxiway "D", Ramp and REILs (Project #11670); providing an effective date; and providing for expiration.

EXPLANATION: Ordinance 617-G was passed by City Council on September 18, 2003 and approved by the voters in a referendum held on November 4, 2003. Ordinance 617-G authorized City Council, by ordinance ("Ordinance"), after a public hearing, 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 City is in the midst of completing the design for a new parallel taxiway on the north-side of Runway 7-25 (future Taxiway "D"). This project will also include the expansion of

the terminal ramp and the addition of Runway Ending Identification Lighting (REILs) for Runway 7. The project is expected to go out to bid this summer.

This project will primarily be funded using available Federal Aviation Administration ("FAA") Entitlement funds which come through the FAA's Airport Improvement Program ("AIP"). Under the AIP, the FAA will provide 95% of the cost of the project. The City will be responsible for providing the remaining 5% match. The FDOT has offered the City a Joint Participation Agreement ("JPA") in the amount of \$48,000 for this project. This amount can be used to provide up to 80% of the City's match requirement for the FAA grant (or up to 4% of the total cost of the project).

Acceptance of any grants requires the City to meet certain grant assurances, including a 20-year commitment to keep the Albert Whitted Airport property as an operating airport.

Each ordinance may only address one encumbrance and requires the affirmative vote of six Council Members for adoption.

RECOMMENDATION: The 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 the Assurances ("Grant Assurances") which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in the estimated amount of \$48,000 ("Grant") which require that the City will make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, use 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 date of acceptance of the Grant; authorizing the Mayor or his designee to apply for and accept the Grant in the estimated amount of \$48,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount of \$48,000 to the Airport – Construction of Taxiway "D", Ramp and REILs (Project #11670); providing an effective date; and providing for expiration.

COST/FUNDING/ASSESSMENT INFORMATION: Funding will be available after supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount of \$48,000 to the Taxiway "D", Ramp and REILS Project (Project #11670).

Approvals:

Legal: RHS Administration: JF Zeoli AS

Budget: Olafufu

Legal: 00106937.doc v. 3

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 the Assurances ("Grant Assurances") which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in the estimated amount of \$48,000 ("Grant") which require that the City will make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, use 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 date of acceptance of the Grant; authorizing the Mayor or his designee to apply for and accept the Grant in the estimated amount of \$48,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount of \$48,000 to the Airport – Construction of Taxiway "D", Ramp and REILs (Project #11670); 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 a grant in the estimated amount of \$48,000 ("Grant"). The Grant is to be used for the following project on the airport: Construction of Taxiway "D", Ramp and Runway Ending Identification Lighting (REILs). The Grant will provide up to a 4% match toward the total cost of the project.

Section Three. The restrictions contained in assurances ("Grant Assurances") which are set forth in the Grant documents to be executed by the City, as an FDOT requirement for receipt of the Grant in the estimated amount of \$48,000, for projects described in Section Two of this ordinance, which require that the City will 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"), nor cause or permit any activity or action on the Airport which would interfere with its use for airport

purposes for a period not to exceed 20 years from the date of acceptance of the Grant are authorized.

Section Four. The Mayor or his designee is authorized to accept a grant from FDOT in the estimated amount of \$48,000.

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

Section Six. 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 2009:

<u>Airport Capital Improvement Fund (4033)</u>	
Taxiway "D", Ramp and REILS Project (11670)	\$48,000

Section Seven. 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 Eight. 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 Nine. 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: _____