

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

TO: The Honorable Karl Nurse, Chair and Members of City Council

SUBJECT: A Resolution finding that \$5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$5,920 from the unappropriated balance of the General Fund to fund future trail maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the trail improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed \$480,600; authorizing a supplemental appropriation in the amount of \$480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Walter Fuller Park Trail Project (13143); and providing an effective date. (FDOT Financial Project No. 430435 1 58/68 01) (Engineering Project No. 11058-112; Oracle No. 13143)

EXPLANATION: On April 7, 2011, the City Council approved a Local Agency Program (LAP) Agreement with the Florida Department of Transportation ("FDOT") for the design of the Walter Fuller Park Trail Project ("Project"). On May 6, 2011, the City entered into the Agreement which outlined terms and conditions incumbent upon both parties. The LAP Agreement provides \$120,000 in funding for design activities for the Walter Fuller Park Trail connecting Walter Fuller Park to the Pinellas Trail. The LAP Agreement provides that the City will recoup from the FDOT all costs included in the original scope of work and any FDOT-approved supplemental services. The design work and plans have been completed by City staff.

This new LAP Agreement provides grant funding in the amount of \$480,600 for construction of the Walter Fuller Park Trail.

The purpose of this project is to construct 4,950 linear feet (0.94 miles) of 10 to 12 foot wide multi-use trail along the north side of 22nd Avenue N from the existing Pinellas Trail, westerly to 72nd Street, then along the west side of 72nd Street continuing northerly towards 26th Avenue N, where it will continue along the south side of 26th Avenue N towards 79th Street and enter into the existing Walter Fuller Park. Construction is planned to begin in the Summer of 2014 and complete six months later.

This project is developed under FDOT's Local Agency Program (LAP). The city received LAP certification in August 2000 to provide design, bid/award, and construction oversight services for federally funded projects within the City limits. As indicated in the LAP Agreement, the estimated construction cost is \$480,600. Project costs related to construction by City staff for construction activities will be borne initially by the City, and the City will recoup all related project costs from FDOT. The City is responsible for repairing and maintaining the improvements throughout the service life of the Project, estimated to be \$5,920 over a 15-year life span.

This project will be performed in accordance with all applicable FDOT procedures, guidelines, manuals, standards, and directives as described in the FDOT LAP Manual.

RECOMMENDATION: Administration recommends that City Council approve the attached resolution finding that \$5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$5,920 from the unappropriated balance of the General Fund to fund future trail maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the trail improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed \$480,600; authorizing a supplemental appropriation in the amount of \$480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Walter Fuller Park Trail Project (13143); and providing an effective date. (FDOT Financial Project No. 430435 1 58/68 01) (Engineering Project No. 11058-112; Oracle No. 13143)

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after the approval of a supplemental appropriation in the amount of \$480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004) resulting from these additional revenues to the Walter Fuller Park Trail Project (13143)). Funds for repair and maintenance will be available after the approval of a supplemental appropriation in the amount of \$5,920 from the unappropriated balance of the General Fund (0001) to the Engineering Department (130 1349).

ATTACHMENTS: Resolution, Map

APPROVALS:



TBG Administrative



Budget

RESOLUTION NO. 2013-__

APPROVING A RESOLUTION FINDING THAT \$5,920 IS AN AMOUNT SUFFICIENT TO PAY FOR TRAIL MAINTENANCE OF THE WALTER FULLER PARK TRAIL PROJECT ("PROJECT") ALONG THE NORTH SIDE OF 22ND AVENUE N FROM THE EXISTING PINELLAS TRAIL, OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$5,920 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO FUND FUTURE TRAIL MAINTENANCE REQUIRED BY THE LOCAL AGENCY PROGRAM AGREEMENT ("AGREEMENT") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"); PROVIDING THAT THE MAINTENANCE FUNDS SHALL NOT NEED ANNUAL RE-APPROPRIATIONS AND SHALL BE CONSIDERED ENCUMBERED FOR THE USEFUL LIFE OF THE PROJECT WITH ONLY AUTHORIZED EXPENDITURES BEING FOR MAINTENANCE OF THE TRAIL IMPROVEMENTS OF THE PROJECT; FINDING THAT EXECUTION OF THE AGREEMENT SHALL NOT BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; APPROVING THE AGREEMENT AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND FDOT FOR PARTICIPATION BY FDOT IN THE CONSTRUCTION ACTIVITIES OF THE PROJECT IN AN AMOUNT NOT TO EXCEED \$480,600; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$480,600 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE BICYCLE/PEDESTRIAN SAFETY GRANTS CAPITAL PROJECTS FUND (3004), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE WALTER FULLER PARK TRAIL PROJECT (13143);

AND PROVIDING AN EFFECTIVE DATE.
(FDOT FINANCIAL PROJECT NO. 430435 1
58/68 01) (ENGINEERING PROJECT NO.
11058-112; ORACLE NO. 13143)

WHEREAS, the State of Florida Department of Transportation ("FDOT") has agreed to participate in the construction activities of the Walter Fuller Park Trail Project ("Project"); and

WHEREAS, as a requirement for FDOT's participation in the Project, the City of St. Petersburg, Florida ("City") must enter into a Local Agency Program Agreement setting forth the obligations of FDOT and the City; and

WHEREAS, the source of the funds to be provided to the City pursuant to the Agreement and its supplements by FDOT is the federal government; and

WHEREAS, federal law governing the use of such funds requires FDOT to cause a project built with such funds to be maintained for the useful life of the Project; and

WHEREAS, the Agreement requires the City to maintain the improvements of the Project for its useful life, while FDOT is responsible for the maintenance of all other Project elements; and

WHEREAS, Florida Statute 166.241 provides that "...it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations"; and

WHEREAS, the City's professional staff has advised City Council that in its professional opinion the maintenance of the improvements of the Project for its useful life of fifteen (15) years will cost \$5,920; and

WHEREAS, City Council finds that \$5,920 is an amount sufficient to pay for the maintenance of the improvements of the Project over its useful life.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that \$5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") over its useful life of fifteen (15) years; and

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the unappropriated balance of the General Fund for FY14:

<u>General Fund (0001)</u>	
Engineering and Capital Improvement Department	
Design Division (130-1349)	\$5,920

BE IT FURTHER RESOLVED that the appropriation for the maintenance of the improvements shall be placed in an operating project which will carry forward from year to year and will not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with the only authorized expenditures from that project being for maintenance of the improvements of the Project; and

BE IT FURTHER RESOLVED that at the end of the useful life of the Project any funds remaining in the operating project for maintenance shall be returned to the City's General Fund; and

BE IT FURTHER RESOLVED that this Council finds that because sufficient funds have been appropriated into the operating project for maintenance to fund the maintenance of the improvements of the Project for its useful life, it shall not be considered an unlawful act under Florida Statute §166.241 for the Mayor or his designee to execute the Local Agency Program Agreement ("Agreement"), between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg ("City") for participation by FDOT in the construction activities of the Project; and

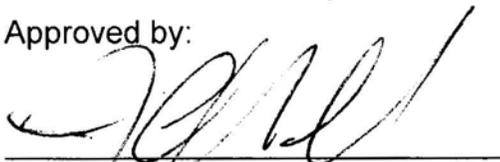
BE IT FURTHER RESOLVED by this Council that the Agreement between the FDOT and the City for participation by FDOT in the construction activities of the Project in an amount not to exceed \$480,600 is hereby approved and that the Mayor or his designee is authorized to execute the Agreement.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, the following supplemental appropriation for FY14:

<u>Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004)</u>	
FDOT-LAP – Walter Fuller Park Trail Project (13143)	\$480,600

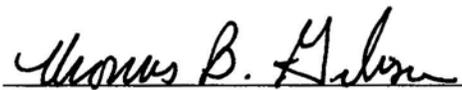
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director



Tom Greene
Budget Director

