

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of June 5, 2014

To: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A Resolution approving Supplement No. 1 to the Local Agency Program Agreement dated January 8, 2014 ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT") to increase the funding for the construction activities of the 38th/40th Avenue Continuous Median Project ("Project") in the amount not to exceed \$182,208 for a total project cost not to exceed \$620,208; authorizing the Mayor or his designee to execute Supplement No. 1 to the Agreement; authorizing a supplemental appropriation in the amount of \$182,208 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the 38th/40th Avenue Median Project (14462); finding that \$11,325 is an amount sufficient to pay for the maintenance of Project over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$11,325 from the unappropriated balance of the General Fund to fund future Project maintenance; 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 improvements; finding neither the Agreement nor Supplement No. 1 thereto shall be considered an unlawful act under Florida Statute §166.241; and providing an effective date. (Engineering Project No. 11069-112; Oracle No. 14462) (FDOT Financial Project No. 433786 1 58/68 01)

EXPLANATION: In September 2006, the Transportation and Parking Management Department completed a Road Safety Audit ("RSA") along the 38th/40th Avenue Corridor from 1st Street North to 4th Street North due to numerous crashes along this corridor. The RSA recommended continuous medians along the corridor, and realignment and signalization of the 39th Avenue and 3rd Street North intersection with the Northeast Park Shopping Center driveway.

In accordance with the RSA, the design work was completed in August 2013 and approved by the FDOT. The RSA and design phase were funded with Transportation Impact Fees, and the proposed median and signal modifications were coordinated with local businesses by the Transportation Planning and Parking Management Department.

In 2012, the City applied for a Highway Safety Improvement Program (HSIP) Grant for this project. The HSIP identifies projects consistent with the Strategic Highway Safety Plan to correct or improve a hazardous road location or feature or address a highway safety problem in order to reduce the number of and potential for fatalities and serious

injuries. The City was approved for the HSIP Grant to fund the construction of this project.

The agreement will provide Federal Highway grant funding through FDOT's Local Agency Program (Safety Projects) for construction of the 38th /40th Avenues North medians for access control and traffic signal controls project.

The scope of work within existing rights of way includes, but is not limited to modification of existing medians and traffic separators for public safety access, partial road widening, milling and resurfacing, realignment and signalization of the intersection of 38th Avenue North and 3rd Street with mast arm traffic signals, pavement markings, signage, project management and administration during the construction phase.

This project will be developed under FDOT's Local Agency Program (LAP). The City received LAP certification in June 2012 to provide construction phase services for federally funded safety projects within City limits. The original LAP Agreement for estimated construction costs of \$438,000 was approved by City Council on September 19, 2013. Supplement No. 1 to the LAP Agreement will increase the funding for the construction activities for this Project in an amount not to exceed \$182,208.

Additional construction work on the Northeast Park Shopping Center property is required to modify the parking lot drive isles and on-site stormwater ponds, and align the exit with the new signalized intersection of 39th Avenue North and 3rd Street. The scope and funding for work outside the right of way is not included in the FDOT LAP Agreement, and funding for the necessary work to complete the safety improvements is available in the Transportation Impact Fees – Traffic Safety Program Fund (3071).

RECOMMENDATION: Administration recommends that City Council approve Supplement No. 1 to the Local Agency Program Agreement dated January 8, 2014 ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT") to increase the funding for the construction activities of the 38th/40th Avenue Continuous Median Project ("Project") in the amount not to exceed \$182,208 for a total project cost not to exceed \$620,208; authorizing the Mayor or his designee to execute Supplement No. 1 to the Agreement; authorizing a supplemental appropriation in the amount of \$182,208 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the 38th/40th Avenue Median Project (14462); finding that \$11,325 is an amount sufficient to pay for the maintenance of the 38th/40th Avenue Continuous Median Project ("Project") from 1st Street North to 4th Street North, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$11,325 from the unappropriated balance of the General Fund to fund future project maintenance; 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 improvements; finding that the Agreement and Supplement No. 1 shall not be considered an unlawful act under Florida Statute §166.241; and providing an effective

date. (Engineering Project No. 11069-112; Oracle No. 14462) (FDOT Financial Project No. 433786 1 58/68 01)

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after a supplemental appropriation in the amount of \$182,208 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the 38th/40th Avenue Median Project (14462). Funds for repair and maintenance will be available after the approval of a supplemental appropriation in the amount of \$11,325 from the unappropriated balance of the General Fund (0001). The impact to the General Fund reserves for this appropriation will be approximately \$755 per year and will be included in the Stormwater, Pavement and Traffic Operations Budget.

ATTACHMENTS: Resolution, Map

APPROVALS:
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Administrative
TBG

Budget

RESOLUTION NO. 2014_____

A RESOLUTION APPROVING SUPPLEMENT NO. 1 TO THE LOCAL AGENCY PROGRAM AGREEMENT DATED JANUARY 8, 2014 ("AGREEMENT") BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO INCREASE THE FUNDING FOR THE CONSTRUCTION ACTIVITIES OF THE 38TH/40TH AVENUE CONTINUOUS MEDIAN PROJECT ("PROJECT") IN THE AMOUNT NOT TO EXCEED \$182,208 FOR A TOTAL PROJECT COST NOT TO EXCEED \$620,208; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SUPPLEMENT NO. 1 TO THE AGREEMENT; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$182,208 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE 38TH/40TH AVENUE MEDIAN PROJECT (14462); FINDING THAT \$11,325 IS AN AMOUNT SUFFICIENT TO PAY FOR THE MAINTENANCE OF PROJECT OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$11,325 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO FUND FUTURE PROJECT MAINTENANCE; 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 IMPROVEMENTS; FINDING NEITHER THE AGREEMENT NOR SUPPLEMENT NO. 1 THERETO SHALL BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; AND PROVIDING AN EFFECTIVE DATE. (ENGINEERING

PROJECT NO. 11069-112; ORACLE NO.
14462) (FDOT FINANCIAL PROJECT NO.
433786 1 58/68 01)

WHEREAS, the City of St. Petersburg, Florida ("City") applied for a Highway Safety Improvement Program (HSIP) Grant for the 38th/40th Avenue Continuous Median Project ("Project") in 2012 and was approved for the HSIP Grant to fund the construction of this Project; and

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

WHEREAS, as a requirement for FDOT's participation in the Project, the City and FDOT entered into a Local Agency Program Agreement ("Agreement") setting forth the obligations of FDOT and the City on January 8, 2014; and

WHEREAS, the City and FDOT desire to supplement this Agreement to increase the funding for the construction activities for this Project in an amount not to exceed \$182,208; and

WHEREAS, the City is required to maintain the improvements of the Project for its useful life; 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 \$11,325; and

WHEREAS, City Council finds that \$11,325 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 Supplement No. 1 to the Agreement dated January 8, 2014 ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT"), to increase funding for the construction activities of the 38th/40th Avenue Continuous Median Project ("Project") from 1st Street North to 4th Street North in an amount not to exceed \$182,208 for a total Project cost not to exceed \$620,208 is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute Supplement No. 1 to 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:

Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004)
FDOT-LAP – 38th/40th Avenue Median Project (14462) \$182,208

BE IT RESOLVED by this Council that \$11,325 is an amount sufficient to pay for maintenance of the Project over its useful life of fifteen (15) years.

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

General Fund (0001)
Engineering and Capital Improvement Department
Design Division (130-1349) \$11,325

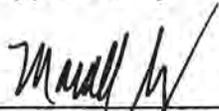
BE IT FURTHER RESOLVED that the appropriation for the maintenance of the improvements shall be placed in an operating project which will carry forward from year to year and will not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with the only authorized 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 that neither the Agreement nor Supplement No. 1 thereto shall be considered an unlawful act under Florida Statute §166.241.

This resolution shall become effective immediately upon its adoption.

Approved by:

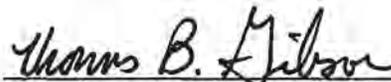


Legal Department
By: (City Attorney or Designee)



Tom Greene
Budget Director

Approved by:



Thomas B. Gibson, P.E.
Engineering Director