

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 *CS*

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 \$21,600 ("Grant") for the Taxiway C Rehab Project (Project #15120) and the Taxiway C South Ramp Project (Project #15617), 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 accept the Grant in an amount not to exceed \$21,600; approving a supplemental appropriation of \$10,026 to the Taxiway C South Ramp Project (Project #15617) from the increase in the Airport Capital Fund (4033); authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

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**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

Earlier this year the City secured multiple Federal and State grants for the construction phases of the Taxiway C Rehab (Project #15120) and Taxiway C South Ramp (Project #15617) Projects. Based on the low bids received, these projects are a little short on providing full funding on the State side. Accordingly, the Florida Department of Transportation ("FDOT") has offered to provide the additional needed funds. FDOT funding provides up to eight percent (8%) of the total costs for the Taxiway C Rehab Project (#15120) and eighty percent (80%) toward the Taxiway C South Ramp Project (#15617).

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 \$21,600 ("Grant") for the Taxiway C Rehab Project (Project #15120) and the Taxiway C South Ramp Project (Project #15617), 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 accept the Grant in an amount not to exceed \$21,600; approving a supplemental appropriation of \$10,026 to the Taxiway C South Ramp Project (Project #15617) from the increase in the Airport Capital Fund (4033); 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 \$21,600 to provide full State participation in both referenced projects. The grant provides eight percent (8%) toward eligible project costs for the Taxiway C Rehab Project (#15120) with the Federal Aviation Administration ("FAA") providing a ninety percent (90%) match and the City providing the remaining two percent (2%) match. The grant also provides eighty percent (80%) toward eligible project costs for the Taxiway C South Ramp Project (#15617) with the City providing the remaining twenty percent (20%) match. Funding in the amount of \$854,090 has been previously appropriated, including the FAA funding, prior FDOT funding and City's matching funds.

Total funding in the amount of \$864,116 will be available after supplemental appropriations in the amount of \$10,026 to the Taxiway C South Ramp Project (Project #15617) from the increase in the Airport Capital Fund (4033) resulting from this grant.

Approvals:

Administration: *Joseph Zee* Budget: *Jim Alessi*

Legal: 00338398.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 \$21,600 ("Grant") for the Taxiway C Rehab Project (Project #15120) and the Taxiway C South Ramp Project (Project #15617), 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 accept the Grant in an amount not to exceed \$21,600; approving a supplemental appropriation of \$10,026 to the Taxiway C South Ramp Project (Project #15617) from the increase in the Airport Capital Fund (4033); 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 additional funding in an amount not to exceed \$21,600 for the taxiway C Rehab (#15120) and Taxiway C South Ramp (#15617) Projects

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 \$21,600, 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 \$21,600.

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 2017:

Airport Capital Improvement Fund (4033)

Taxiway C South Ramp (Project #15617)                      \$10,026

Section Seven. 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 Eight. 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 Nine. 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: 00338402.doc v1