

RESOLUTION NO. 12-208

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING RESOLUTION NO. 12-188 REGARDING A JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, after Resolution No. 12-188 was approved by the City Commission, staff discovered that language required by FDOT was not included in the resolution; and

WHEREAS, a new Resolution, approving the JPA and including the FDOT-required language, has been submitted for consideration by the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That Resolution 12-188 is hereby rescinded.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this

19 day of June, 2012.

Authenticated by the presiding officer and Clerk of the Commission

on June 20, 2012.

Filed with the Clerk June 20, 2012.

  
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CRAIG YATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK

RESOLUTION NO. 12-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR FUNDING OF CONSTRUCTION COSTS OF THE NEW TRANSIT FACILITY AT 5701 COLLEGE ROAD IN THE AMOUNT OF \$1,000,000.00 (CITY MATCH 20% IN-KIND); PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached JPA (Contract No. AQN 20) between FDOT and the City is hereby approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 5th day of June, 2012.

Authenticated by the presiding officer and Clerk of the Commission on June 5, 2012.

Filed with the Clerk June 6, 2012.

  
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CRAIG GATES, MAYOR

ATTEST  
  
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CHERYL SMITH, CITY CLERK

## EXECUTIVE SUMMARY

To: Jim Scholl, City Manager  
cc: Jim Fitton / Director Port & Transit  
From: Myra Wittenberg, Manager / KWDoT  
Date: May 18, 2012



Subject: Resolution to Approve and Authorize the Execution of a Joint Participation Agreement for Grant Funding of part of the construction of the New Transit Facility at 5701 College Road, Key West, Florida

### Action Statement:

This is a request for resolution of approval, acceptance and authorization to designate the City Manager and the City of Key West Department of Transportation to execute the attached Joint Participation Agreement (JPA) between the City of Key West and the Florida Department of Transportation (FDOT) for funding of construction costs of the New Transit Facility at 5701 College Road, Key West, Florida.

This grant award is for \$1,000,000 with a supplemental award (Supplement No. 1) to follow and be made available as early as July 1, 2012. The amount of both this Agreement and that of Supplement No. 1, as written into the Agreement documents before you, will result in a net total of \$2,000,000 being awarded from Florida Department of Transportation to the City of Key West Department of Transportation.

This Agreement, as well as the forthcoming Supplement No. 1 Agreement, will both require that the City contribute 20%, while the State DOT provides 80% of this funding request. However, please note that the JPA has clearly been written to allow the City's share of cost to be recognized by the cost of expense to be paid out by the City with regard to the site demolition and clean up work to be performed as Phase I of this project. There should be no additional out of pocket funding required for this grant award or match.

### Project History:

As some of you may recall between the 2003 and 2005 budget periods, the City of Key West Department of Transportation (KWDoT) requested and received a grant award of \$1.25 million dollars with a Supplemental Award of an additional \$1.25 million dollars to purchase, construct or otherwise obtain a new transit facility. These amounts included the City's match of 20%.

The funds previously awarded were via a Section 5311 Grant and Agreement (JPA) which typically allows for up to three (3) years to show progress and use of funds; however, that did not happen so City staff negotiated return of that award to FDOT - in good faith - with a commitment to have them re issued at a later date. The previous award of the 5311 Funds was approved by the City Commission via Resolution No. 04-127, on March 16, 2004.

### Option #1:

The City Commission approves the JPA via 5311 Grant Funding Assistance for construction costs of the New Transit Facility; providing for an execution designation to the City Manager and the City of Key West Department of Transportation.

**Advantages**

The advantage of approving the resolution as requested here is that the City realizes full funding of the construction cost estimate for the New Transit Facility.

The City of Key West Department of Transportation is able to relocate to a separate work site and therefore able to meet full compliance of all pending FDOT and FTA requirements as set forth.

City of Key West Public Works, Community Services, FMT, and Fleet Maintenance (other than buses) are able to relocate to a centralized location - thus further consolidating City services.

**Disadvantages**

It may be stated by some that a disadvantage exists in this option as the Federal Transit Administration (FTA) and the Florida DOT both require a lien on the property and building as follows:

*Agency agrees that minimum useful life of this facility is 40 years. Agency agrees to maintain satisfactory control of the project property until the useful life period is met or that requirement is released earlier by written request approved by the Department.*

However, it is staffs opinion that this is an advantage that will allow for a better quality service and a more efficient operation - while also freeing up much needed consolidation space for other city departments and functions.

**Fiscal Impact**

There is no fiscal impact identified and associated with Option #1 above, as the net result will be a consolidation of other city services in the DoT side of the Palm Avenue site, thereby allowing DoT personnel to consolidate at the new site - it should result in less City office space at the end of the shuffle.

**Option #2:**

Option #2 would see the City Commission not approve the resolution as requested and not construct the new facility.

**Advantages**

There are no apparent advantages to this option.

**Disadvantages**

FDOT funding assistance of up to \$2,000,000 would be jeopardized and lost at this point in time due to the complexity of this reissue process. The result would be no new Transit Facility for Transportation services and that nets no vacant office or work space for other departments who desperately need the room to function daily.

**Fiscal Impact**

The City would be required to fund the \$2,000,000 shortfall or not complete the construction project as approved.

**Recommendation:**

KWDoT and City Staff recommend approval of Option #1, as noted above.

Should you require additional information please call us at your convenience.

**Attachments**

File: FDOT Grant Reissue \$2,000,000 Contract AQN20