

RESOLUTION 19-147

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THAT CERTAIN ASSIGNMENT FROM BAY COUNTY, FLORIDA OF ITS COUNTY INCENTIVE GRANT PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO BAY PARKWAY PHASE II; PROVIDING FOR THE CITY'S ADVANCEMENT OF FUNDS TO CONSTRUCT THE PROJECT; REQUESTING FDOT'S CONSENT TO BEGIN CONSTRUCTION OF THE PROJECT IN ADVANCE OF DOT FUNDING; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Section 339.2817, Florida Statutes, authorizes municipalities to apply to the county in which the municipality is located for consideration by the county for funding under the County Incentive Grant Program (CIGP) of any project or project phase of transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System; and

WHEREAS, Bay County, Florida, applied for and received from the Florida Department of Transportation a \$4,000,000 CIPG grant for new road construction for Bay Parkway Phase II, Grant Number 442483-2 (the "Grant"); and

WHEREAS, the City will be the lead agency for Bay Parkway Phase II (the "Project"), and will handle the Project procurement, contract award, and construction management; and

WHEREAS, the County, City and DOT have determined that it would be appropriate for the Grant to be assigned to the City for administration since the City will be the lead agency for the Project; and

WHEREAS, on September 4, 2019, the Board of County Commissioners for Bay County, Florida, adopted Resolution # 3625 approving the City's application for funding of the Project and authorizing the City to enter an agreement with DOT for the administration of the Grant for the Project; and

WHEREAS, the Project is estimated to cost \$11,000,000, with the Grant providing \$4,000,000, Bay County contributing \$3,500,000 in surtax funds, and the remaining \$3,500,000 being contributed by the City; and

WHEREAS, the Grant provides for the City's reimbursement of a portion of funds necessary to construct the Project; and

WHEREAS, on September 12, 2019, the City adopted Resolution 19-139, establishing a budget for Fiscal Year 2019-2020, wherein \$12,500,000 has been budgeted to construct the project; and

WHEREAS, the City finds and determines that the immediate construction of the Project will serve the best interests of the community by alleviating traffic on the Panama City Parkway, and that entering an Agreement with DOT for the reimbursement of the City's funding of the Project is a necessary and appropriate action to further that Project.

NOW THEREFORE BE IT RESOLVED by the City Council that:

1. The appropriate officers of the City are authorized to execute and deliver that certain State Funded Grant Agreement (CIPG—Municipal Letting) between the Board of County Commissioners for Bay County, Florida, and the Florida Department of Transportation approving the assignment to the City of the County's interests and obligations under the CIPG Program for the City's construction of Bay Parkway Phase II, in the total grant amount of \$4,000,000, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.
2. The Council acknowledges that both the CIGP grant and the County contribution require the City to advance all funds in order for the City to construct the Project, and the City agrees to advance such funds subject to reimbursement by the CIPG grant in the amount of \$4,000,000, and by Bay County in the amount of \$3,500,000.
3. As of the effective date of this Resolution, construction of the Project is scheduled to begin December 16, 2019, and continue for 365 days. The City hereby requests FDOT's consent to the City's immediate procurement of the Project and agreement to reimburse the City for

work performed on the Project in advance of the funding schedule set forth in FDOT FY20-24 Work Program dated April 3, 2019, and authorizes the appropriate officers of the City to coordinate transmittal of the request and any and all supporting documentation required by FDOT for this purpose. The City acknowledges and agrees that upon obtaining this consent from FDOT, it will not be reimbursed by FDOT for the Project until Fiscal Years 2022 and 2023, in accordance with FDOT FY20-24 Work Program dated April 3, 2019, and then only subject to the availability of funds.

4. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 26th day of September, 2019.

CITY OF PANAMA CITY BEACH

By: 

Mike Thomas, Mayor

ATTEST:


Mary Jan Bossert, City Clerk