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Mayor
WILLIAM CAPOTE

Deputy Mayor
BRIAN ANDERSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
KENNY JOHNSON

AGENDA

SPECIAL COUNCIL MEETING 2019-26

MONDAY

October 21, 2019 – 7:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS:

BUSINESS:

1. Discussion of an interlocal agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street intersection.

ADJOURNMENT:

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: October 17, 2019

RE: Interlocal Agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street Intersection

Brevard County has budgeted \$1.5 Million as a contribution toward the St. Johns Heritage Parkway (SJHP) project in the south part of the City. As part of the requirements of the County permit for the connection of the SJHP to Babcock Street, the City will be expanding the intersection to match up with the four lanes of the new SJHP, including widening a portion of Babcock on either side of the intersection and installing a fully signalized intersection. To provide for the transfer of Brevard County's contribution, as well as to establish a plan for City and County partnership toward the future widening of Babcock Street, an Interlocal Agreement is being finalized.

Parallel Right-Of-Way Access Permit to the Babcock Interlocal Agreement:

An application and permit have been submitted from the City to County Staff for engineering design, comment, and coordination for a Right of Way (ROW) access permit, also known as a driveway permit for the connection of the I/95 interchange (FDOT owned) and SJHP (City Owned) to Babcock Street (County Owned). The permit allows for a temporary opening to the existing two-lane Babcock Street with a span wire signalization for traffic flow and control. The issued ROW access permit has a one-year threshold, with a maximum extension of six months.

Interlocal Agreement Project Definitions:

1. Defines a current, four-lane widening and improved intersection for 1.03 miles per County Right-of-Way/Easement Permit No. 19RW00460, attached hereto as Exhibit A.

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2. And a future project obligation to widen Babcock Street from south of Micco Road (Deer Run Road) to Malabar Road from the current two-lane roadway to a four-lane roadway, a distance of approximately nine miles, to include associated improvements such as identified in the Florida Department of Transportation (F.D.O.T.) Project Development and Environment Study (P.D.& E.) Study, Financial Project No. 437204-1.

Current Project:

Upon the issuance of the ROW access permit the City must acquire right-of-way property to widen the roadway to four lanes for a .42 mile preceding and following the intersection at SJHP and Babcock Street. The widening mileage has increased to 1.03 miles during the design criteria discussions in August 2019 from the original .42 mile considered in the design coordination phases in June/July 2019.

Cost Factors for Consideration of the Current Project Interlocal Agreement:

1. This design criteria requirement to construct a four-lane intersection and widening from .42 to 1.03 miles has increased the estimated construction cost from 3 million to 7+ million, following County and Florida Department of Transportation standards.
2. The Right-of-Way Property acquisition costs are estimated to cost the city up to \$100,000 for the 1.03 mile segment by city staff review. A professional appraisal service will be obtained to perform the fair market valuation of the ROW properties with formal executed agreements with property owners.
3. After the widening and intersection improvements of the 1.05 segment of the Babcock Street interconnect by the City; ownership and maintenance will be transferred from the County to the City as part of the interlocal agreement. As the roadway has been improved and newly constructed, the level of service (LOS) of maintenance of mowing; to include but not limited to: edging, weed-eating, trash removal, tree trimming, street sweeping is estimated by city staff to cost \$40,000 annually. Future pavement rejuvenation, is also estimated by city staff to cost \$13,000 for the segment, within the first two-three years.
4. The County will contribute fifty percent or \$1,500,000, whichever is less, for the construction of portions of the Current Project on Babcock Street.

Future Project Consideration of the Interlocal Agreement:

1. City and County would both agree to set aside 50% of the transportation impact fees received for any new development in the south part of their respective jurisdictions (see attached map). The County would work with the towns of Malabar and Grant-Valkaria to negotiate a similar arrangement regarding their transportation impact fees.
2. The County is requesting the City take over maintenance and ownership by reaffirming its prior commitment to take over ownership and maintenance of any section(s) of Babcock Street after widening to four lanes of travel as agreed to in the Joint Planning Agreement dated July 26, 2016 between the City and County and as recorded in ORB 8514, PG 1709 of the Official Records of Brevard County, Florida of this section of Babcock once the intersection widening project is completed.
3. All right-of-way donations received by the City to support the Future Project shall be transferred to the County until such time as the project is complete and the corridor ownership and maintenance is transferred to the City.
4. The County and the City shall disclose any impact fee credit agreements or any other impact fee arrangements with any developers that would impact the amount of impact fees collected pursuant to this Agreement, in effect at the effective date of this Agreement. Any proposed impact fee credit agreements shall be disclosed prior to legislative action by either body.
 - o For example, if a project in the south area of the City is due to pay \$100,000 in impact fees, \$50,000 is to be set aside based on the draft Agreement, and the County is requesting that they approve any additional developer transportation impact fee credits for the remaining \$50,000, if requested in a developer agreement.

The draft interlocal agreement, titled St. Johns Heritage Parkway Intersection and Babcock Street does require review by the City Attorney's Office and development; pending the outcome of either the city or county's legislative body.

REQUESTING DEPARTMENT:

City Manager's Office

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FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Staff is requesting input and direction from City Council regarding several of the Interlocal Agreement draft items mentioned above, before submitting comments to the County Manager for the presentation before the Brevard County Commission meeting next Tuesday, October 22, 2019.

Attachments: (all available upon request)

1. Draft Interlocal Agreement as provided by Brevard County on October 17, 2019
2. Draft Exhibit B - Map of Transportation Impact Fee Set Aside Area
3. Exhibit A example MOT Plan
4. Display - half mile
5. Display - one mile
6. Board of County Commissioner's Agenda
7. 20191022 BOCC Option 2 Map
8. 20191022 BOCC Option 3 Map
9. RCM 2019-25 NB 6
10. 2016 Joint Planning Agreement
11. Draft Interlocal Agreement as provided by Brevard County on October 10, 2019
12. Draft Exhibit B – Map of Transportation Impact Fee Set Aside Area

LM/ab