



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

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

Pertinent Background:

When the Notice to Proceed was issued to Community Asphalt on March 19, 2018 for the construction of the St. Johns Heritage Parkway (SJHP) connection to I-95, previous City staff had not secured a Brevard County Right-of-Way (ROW) access permit, also known as a driveway permit, to connect to Babcock Street, a county-owned road. This permit is necessary for the completion of the SJHP and provides the permission for the City to open the road to traffic.

In early 2019, the new City leadership team began working to resolve multiple issues with the SJHP project. In addition to the lack of a County permit, additional issues included incomplete designs for the roadway and the intersection, coordination issues with developers, and the discovery that former staff in September 2018 had removed 500 feet from the project connection to Babcock. Coordination efforts took the forefront as City staff began working with all involved parties to resolve these issues. Progress included finalizing the roadway design so that construction could be completed, approval by City Council of Community Asphalt Change Order No. 2 on September 19, 2019 to add the 500 feet back into the project, and the conceptual approval by County staff for the intersection designs.

City staff also began working with County staff on an Interlocal Agreement (ILA) to document the conditions Brevard County wanted tied to the permit, as well as to provide for the previously discussed County contribution of \$1.5 Million in support of the project.

Staff presented the Interlocal Agreement (ILA) item to City Council for discussion at their October 17, 2019 meeting, and subsequently City Council scheduled a Special Council meeting on October 21, 2019 to deliberate further. At the time, City Council expressed concerns about taking over responsibility for county-owned Babcock Street, and the City Attorney advised that establishing a separate agreement could create the potential for conflict with the existing Joint Planning Agreement executed in 2016. Council direction to staff was to await a decision by the County at their meeting on October 22, 2019. Brevard County Commission, at their October 22, 2019 meeting, chose to remove the budgeted \$1.5 Million from the St. Johns Heritage Parkway (SJHP) project and to reallocate it to paving work on south Babcock Street.

Subsequently, staff continued coordination efforts with the County, further modifying intersection designs and phasing plans based on County feedback. As City staff neared the end of the design process, on December 9, 2019, County staff provided a formal list of seven permit conditions and requested a letter from the City agreeing to these conditions before the County would issue the permit. Most of the permit conditions were concepts that had been previously discussed and included in earlier versions of the ILA. The last permit condition was not acceptable to the City as written, but City staff responded with a letter on December 10, 2019, providing acknowledgement pending City Council approval and funding, and a pledge to continue working collaboratively with the County. The County response letter, received on December 13, 2019, indicated that the permit would not be issued until an ILA approved by both governing bodies was completed (Attachment 1).

Proposed Interlocal Agreement:

The attached ILA (Attachment 2) includes the following key deal points:

- **Permit Issuance:** Within five days of the effective date of the Agreement, the County will issue the permit to the City to allow the City to complete construction of the SJHP connection to Babcock Street.
- **Intersection Project:** The Agreement includes criteria related to the Intersection Project, which is necessary for the immediate temporary opening of the SJHP connection as well as the future widening of the intersection.

- **Future Project:** The Agreement also includes criteria related to the Future Project, which is the future widening of Babcock Street south of Malabar Road. The 2016 Joint Planning Agreement between the City and County provides that the City takes over responsibility for segments of Babcock within 6 months after any four-laning project is completed.
- **Intersection Phasing:** The City will fund, construct, and maintain the intersection in three Phases:
 - Phase 1 is a temporary opening condition with a span wire traffic signal with no turn lanes and no additional right-of-way or stormwater retention needed.
 - Phase 2 is to be completed by December 31, 2020 and includes a single southbound left turn lane.
 - Phase 3 is to be completed by December 31, 2023 and includes a fully widened four lane intersection with turn lanes and a mast arm traffic signal system. The City is responsible for all necessary right-of-way acquisition, permits, and utilities relocation necessary for the project.
- **City Ownership of Babcock/SJHP Intersection:** Upon the effective date of the Agreement, the City will take ownership of the Intersection portion of the project within City limits necessary to complete the project and will take responsibility for maintenance of the portion outside of City limits. Annexation of the portion of the roadway within City limits is also included. The entire project length is 1.03 miles or 5,425 linear feet and extends roughly a half-mile north and a half-mile south of the SJHP intersection with Babcock.
- **City Construction of Intersection Outside of City Limits:** From the centerline of the SJHP, the southern portion of the intersection is 2,872 feet, however City limits only extend 398 feet; the remaining 2,474 feet are located in unincorporated Brevard County. The City has requested consideration by the County to provide funding toward the portion of the intersection necessary outside of City limits.
- **Set Aside of Future Transportation Impact Fees:** For the Future Project, the City and County both agree to set aside 50% of the transportation impact fees received for any new development in the south part of their respective jurisdictions. Impact fee credits for this set aside portion can be used for future Babcock widening needs, including right-of-way, design and construction, stormwater retention, floodplain compensation, and environmental

mitigation. The City set aside of transportation impact fees will only occur following the payment of existing debt and impact fee obligations.

- **Disclosure of Impact Fee Agreements:** The County and the City will disclose any existing debt or agreements that would impact the amount of impact fees collected under this Agreement. The County and City will provide each other an itemized accounting of all collections and expenditures and agree to disclose any pertinent future impact fee credit agreements, prior to legislative action by either body.
- **Participation of Other Agencies:** The County will work with the towns of Malabar and Grant-Valkaria to negotiate a similar arrangement regarding their transportation impact fees for the Future Project.
- **JPA Coordination:** The County and the City will follow the Development Order Application process as established in the Joint Planning Agreement, dated July 26, 2016. Staff is requesting input and direction from City Council, and approval of the Interlocal Agreement. If approved, Brevard County staff have indicated this item will be heard by Brevard County Commissioners on February 11, 2020.

REQUESTING DEPARTMENTS:

City Manager's Office/Public Works Department

FISCAL IMPACT:

- **Temporary Traffic Signal:** The opening day design requires the installation of a span wire traffic signal. At their November 7, 2019 meeting, City Council previously authorized staff to procure the signal at a project cost of \$49,746.12.
- **Finishing the Connection to Babcock:** Completing the unfinished portion (96 feet) of the SJHP to connect to Babcock is estimated at \$45,679.99. Funding in the amount of \$50,000 will need to be appropriated from Transportation Impact Fees, Nexus 32909 to cover the cost.
- **Phase 2 Southbound Left Turn Lane:** The engineer's estimate of the construction of the turn lane is \$193,900. Per the ILA, completion is due by December 31, 2020.
- **Phase 3 Full Intersection:** The County-approved design to construct a 1.03 mile four-lane intersection has an initial estimated construction cost of over \$7 million. Additional value

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engineering is expected to reduce this amount. Other costs related to permitting and mitigation are likely but not estimated at this time. This phase is to be completed by December 31, 2023.

- **Right-of-Way Acquisition:** The right-of-way needed for the Intersection is estimated by staff to cost approximately \$100,000 for the 1.03 mile segment. A professional appraisal service will be obtained to perform the fair market valuation of the ROW properties with formal executed agreements with property owners.
- **Intersection Maintenance Costs:** As the roadway will have 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-\$50,000 annually. Future pavement rejuvenation is estimated cost \$13,000 for the segment, which will be necessary within the first few years after initial construction.

RECOMMENDATION:

Motion for Council approval of 1) the St. Johns Heritage Parkway and Babcock Interlocal Agreement; and 2) authorization to budget and appropriate \$50,0000 Transportation Impact Fees, Nexus 32909, to complete the paving of the last 96 feet of the SJHP upon acceptance of the agreement by the Brevard County Commissioners.

Attachments: (available upon request)

1: Letters from City and County Regarding Permit Conditions

2: Interlocal Agreement

SS/ab