



Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
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JEFF BAILEY
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AGENDA

SPECIAL COUNCIL MEETING 2020-15

THURSDAY

April 23, 2020 – 6:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS:

BUSINESS:

1. Resolution 2020-16, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.
2. Consideration of an interlocal agreement with Brevard County for the St. Johns Heritage Parkway and Babcock Street intersection.

ADJOURNMENT:

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on April 23, 2020, beginning at 6:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Public comments may be submitted via email at publiccomments@palmbayflorida.org. Members of the public may also call (321) 726-2740 to provide comments via a dedicated City of Palm Bay public comment voicemail. All comments submitted will be included as part of the public

THIS VIRTUAL MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE

record for this virtual meeting and will be considered by the City Council prior to any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.

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 contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

RESOLUTION 2020-16

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2020-09, AS AMENDED BY RESOLUTIONS 2020-10, 2020-11 2020-13 AND 2020-15, BY EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED BY LEGISLATIVE ORDER D-2020-01; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the past weeks, a severe acute respiratory illness known as Coronavirus Disease 2019 (COVID-19) has spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza with the elderly and persons with underlying medical issues particularly at risk, and

WHEREAS, Governor Ron Desantis declared that a state of emergency existed within the State of Florida and issued Executive Order 20-52 on March 9, 2020, and

WHEREAS, Mayor Capote declared a State of Local Emergency and issued Legislative Order D-2020-01 on March 19, 2020, and

WHEREAS, City Council approved extensions to the State of Local Emergency via Resolutions 2020-09, 2020-10, 2020-11, 2020-13 and 2020-15, and

WHEREAS, the City's State of Local Emergency terminates at the end of a period of one (1) day (April 24, 2020) unless prior to the end of the time frame, the City Council extends or terminates same by resolution, and

WHEREAS, the City Manager has certified that the emergency continues to exist.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The State of Local Emergency, declared by Legislative Order D-2020-01, is hereby extended by seven (7) days (May 1, 2020).

SECTION 2. All provisions contained within Legislative Order D-2020-01 shall remain in full force and effect.

SECTION 3. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: April 23, 2020

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

Summary

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 authority for the City to build in County right-of-way and 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 so that the connection to Babcock Street could

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be completed. Both the City Council and County Commission have discussed various concepts and draft versions of the ILA at meetings since October 2019. The City Council meetings that included agenda items for discussion of the ILA were held on October 21, 2019, and February 6, 2020.

Since that time, City and County staff have continued to meet and discuss ILA draft terms connected to the goals of both the City Council and the County Commissioners. The attached ILA represents the results of these discussions, and staff representing both agencies is ready to present this for consideration; County staff has scheduled the item for their Board to consider on April 21, 2020.

Proposed Interlocal Agreement:

The attached ILA 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 Phase 1 of the SJHP connection to Babcock Street.
- **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.
 - All dates established in Phases 2 and 3 may be extended by written agreement of both parties. Phase 3 construction could also be delayed if an independent traffic analysis is submitted in the future to demonstrate that the Phase 3 improvements are not yet necessary and could be further delayed.

- As the north and south terminus of the intersection will connect to county-owned Babcock Street, the County retains permit authority over the right-of-way permits for the future phases.
- **City Ownership of Babcock/SJHP Intersection:** Upon the effective date of the Agreement, the City will take ownership and maintenance responsibilities for the Intersection Project area. Procedurally, the agreement provides for sixty days to transfer the property to the City and up to one hundred and twenty days for the City to annex the roadway.
- **City Construction of Intersection Outside of City Limits:** 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. 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 length of the intersection is expected to decrease as a result of value engineering efforts that are presently underway.
- **Future Project:** The Agreement also includes criteria related to the Future Project, which is the future widening of Babcock Street to four lanes 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. The ILA provides for additional parameters related to the timing of transfer of segments to the City, specifically:
 - After a segment is widened to four lanes;
 - After a segment exceeds maximum acceptable volume (MAV) or traffic capacity.
 - For segments that have already exceeded traffic capacity, transfer would occur following reconstruction of the existing two-lane segments by the County or two years from the Effective Date of the Agreement, whichever is later. Based on the Space Coast Transportation Organization's 2018 Maximum Acceptable Volumes and Level of Service table, the Babcock Street segments included in this ILA are as follows:

	Volume	MAV	Capacity
Micco to Grant:	5,483	14,200	39%
Grant to Valkaria:	9,083	17,700	51%
Valkaria to Waco:	13,513	17,700	76%
Waco to Foundation:	18,836	17,700	106% (over MAV)

Foundation to Malabar: 23,531 17,700 133% (over MAV)

- **County Reconstruction Efforts:** The County has agreed to make reasonable efforts to fund and reconstruct existing portions of Babcock Street one time, regardless of whether ownership has already been transferred to the City. Road reconstruction activities that are appropriate to achieve an industry standard repair based on the current condition of segments has also been stipulated. Rejuvenators and micro-surfacing have been specifically excluded.
- **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.

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 the November 7, 2019 meeting, City Council previously authorized staff to procure the signal at a project cost of \$49,746.12.

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- **Finishing the Connection to Babcock:** Completing the unfinished portion (96 feet) of the SJHP to connect to Babcock is estimated at \$80,000. Funding will need to be appropriated from Transportation Impact Fees, Nexus 32909 to cover the cost. The previous estimate for this was based on pricing for Community Asphalt to finish the project; this scenario is no longer an option.
- **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 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 \$80,000 in Transportation Impact Fees, Nexus 32909, to complete the paving of the last 96 feet of the SJHP.

Attachments: (available upon request)

- 1) Interlocal Agreement
- 2) 2016 Joint Planning Agreement