



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.4.

2/25/2020

Subject:

Discussion Regarding Letter from Palm Bay Mayor, District 2

Fiscal Impact:

Unknown

Dept/Office:

District 2

Requested Action:

Summary Explanation and Background:

A letter was recently received from the Mayor of Palm Bay which requires decisions on the part of the Board of County Commissioners (hereinafter "BOCC"). It is requested that the BOCC provide guidance on the below questions and concerns.

Explanation / Background:

On or about Thursday, February 13, I received a letter from the City of Palm Bay (hereinafter "City") Mayor regarding roadwork connecting St. John's Heritage Pkwy to Babcock St.

Brevard County Commissioners and City staff were copied, though there is no indication that any Brevard County staff members were copied on this letter despite the extensive involvement of Assistant County Manager John Denninghoff and others.

The letter demands a joint meeting of the County Commission and City Council be held within 90 days of the request (which was dated February 7, despite not having been received until February 13) and additionally insists that any such meeting be held within the City.

While I have the ability, as Chair, to unilaterally call a special meeting of the County Commission, I request direction from the BOCC in determining whether such a meeting is desired. I would also like to discuss the following.

If a meeting is desired:

(1) Given the wide geographic spread of County employees and elected officials, would the BOCC like to request and/or insist that Mayor Capote move that the City Council waive any requirement(s) mandating that the demanded meeting take place within City limits? If he does not do so, what, if any, action would the BOCC 692

prefer be taken?

(2) Would the BOCC like to set any condition(s) on the meeting (e.g., mandate who would chair any such meeting, insist that County staff be permitted to speak on the history of negotiations with the City, etc.)?

If a meeting is not desired:

1. Decline to meet without explanation.
2. Decline to meet with explanation.
3. Do not respond/take no action.
4. Direct staff to send notice of intent to terminate the Joint Planning Agreement (JPA) in 60 days. However, the Board should be aware that action would trigger a clause requiring a joint meeting if requested by the City.

Clerk to the Board Instructions:



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 26, 2020

M E M O R A N D U M

TO: Commissioner Bryan Lober, District 2

RE: Item J.4., Discussion Regarding Letter from the Palm Bay Mayor

The Board of County Commissioners, in regular session on February 25, 2020, discussed the letter from the Palm Bay Mayor for the roadwork connecting St. John's Heritage Parkway to Babcock Street; and approved Option 1, decline to meet without explanation.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

cc: Each Commissioner
Assistant County Manager Denninghoff

From: [Abbate, Frank B](#)
To: [Lewis, Sally A](#)
Subject: FW: From the City of Palm Bay - RE: From the City of Palm Bay - SJHP & Babcock Connection
Date: Monday, February 24, 2020 4:17:17 PM

Sally:

Please add thee-mail below item J. 4 as an attachment and send it out this afternoon.

Thanks,

Frank

From: Lisa Morrell <Lisa.Morrell@palmbayflorida.org>
Sent: Monday, February 24, 2020 2:27 PM
To: Abbate, Frank B <Frank.Abbate@brevardfl.gov>
Cc: Denninghoff, John P <John.Denninghoff@brevardfl.gov>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Bentley, Eden <Eden.Bentley@brevardfl.gov>; Brewer, Jad <Jad.Brewer@brevardfl.gov>
Subject: From the City of Palm Bay - RE: From the City of Palm Bay - SJHP & Babcock Connection

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Good Afternoon Frank,

Thank you for providing this additional information. Based on the six bullet points provided below and additional conversations with John Denninghoff last Thursday, City staff continues to desire a partnership with County staff to resolve the connection for the I/95 interchange, a state road, with the local road of St. Johns Heritage Parkway with a connection point to county road, Babcock Street, with an Interlocal Agreement (ILA).

With the city funded parkway completed, less the 96 feet, the County right of way for access and connection to Babcock Street is currently impeded by the lack of agreement of the permit conditions and/or acceptable ILA terms by both parties. The connection is paramount to the opening of the completed state funded interchange from interstate 95, identified as exit 166; which provides an alternative pathway for transportation issues as previously identified for the area for the planning and construction.

It is the City's understanding that the County desires to convey to the City the entire portion of Babcock south of Malabar, including maintenance responsibility, as a condition of the opening of the Parkway and Interchange. In last Thursday's meeting, City staff discussed the consideration of accepting segments of Babcock Street, based upon capacity/usage and development impacts on the

roadway, in accordance with the JPA. County staff also introduced the concept of transferring ownership of Babcock following County-funded reconstruction/improvements of the current two lanes.

More discussion needs to occur as we have had several proposals/discussions regarding the transfer timing of maintenance responsibility to the City. In the original ILA draft, it was proposed that the City would take over maintenance after the FDOT widening project was completed. In your email the road maintenance responsibility and right-of-way ownership is now proposed to be transferred with the entire roadway dedication at the execution of the agreement. City staff is concerned with the impacts of road maintenance funding with City Council as our existing road maintenance needs are not fully funded by the City of Palm Bay ad valorem tax base. As stated above, County staff discussed a road maintenance transfer plan following County-funded roadway improvement; either directly funded by the County or reimbursed to the City, therefore additional discussion on this item is warranted.

City staff will further confer with City Council members this week regarding this point and subsequent items proposed in our discussion with County staff. The County is in a better position to continue as the lead local agency for the process of acquiring funding for the future design, right-of-way acquisition, and construction of the proposed Babcock Street widening with SCTPO/FDOT partnerships. The City is a participating member on the SCTPO and understands that local City transportation impact fees related to development in the area are appropriate resources to share for this project. In past draft versions of the ILA, not yet approved by governing bodies, it was proposed to set aside 50% of transportation impact fees collected in a defined area at the time of certificate of occupancy that would be dedicated for Babcock Street to address capacity impacts. City staff expects that a transfer of segments of Babcock Street via separate ILAs would be more palatable based on development and/or traffic impact studies that may qualify for the transfer of ownership based on condition of the roadway at the time.

City staff understands the County's concern regarding the expiration and termination of the JPA. Therefore, we suggest that an ILA that includes the proposed connection point and the three phases of the Intersection improvements is considered as an initial agreement. As a consideration of the 100% conveyance, an option to contemplate would be to execute future agreements with continued joint planning for future segments tied to development needs and capacity planning in conjunction with the current FDOT widening project.

We look forward to the continued discussion and the outcome of your BOCC agenda regarding the joint planning meeting between City Council and the County Commission.

Thank you,

Lisa Morrell
City Manager
City of Palm Bay
120 Malabar Road, SE
Palm Bay, FL 32907

O: 321-952-3413

M: 321-863-9277

From: Abbate, Frank B <Frank.Abbate@brevardfl.gov>

Sent: Wednesday, February 19, 2020 8:22 AM

To: Lisa Morrell <Lisa.Morrell@palmbayflorida.org>

Cc: Denninghoff, John P <John.Denninghoff@brevardfl.gov>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Bentley, Eden <Eden.Bentley@brevardfl.gov>; Brewer, Jad <Jad.Brewer@brevardfl.gov>

Subject: RE: From the City of Palm Bay - SJHP & Babcock Connection

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Lisa:

Based on direction staff received from the Board of County Commissioners during their regular meeting on February 11, 2020 we are anticipating proposing an inter-local agreement (ILA) that is developed to accomplish various things outlined below. John and I believe the items outlined below would need to be included as an essential part of any agreement.

1. Transfer of Babcock Street from Malabar Road south to the southerly portion of the Babcock Street intersection with the St. John's Heritage Parkway, to the City of Palm Bay.
2. The transfer would be the right-of-way ownership and the road maintenance.
3. Provide for the County to continue to reconstruct Babcock Street from Malabar Road south to the northerly portion of referenced intersection and from the southerly portion of the referenced intersection to the recently reconstructed roadway just south of Micco Road. The reconstruction effort will be full depth reconstruction or cold in place recycling similar to the method used south of Micco Road. The reconstruction efforts would be at County expense.
4. Address the design of the Babcock Street widening which is scheduled to occur following the completion of the ongoing but nearly complete FDOT PD&E for that project. Note the County is scheduled to provide \$1.5M for this purpose as the required 50% local matching funds for an anticipated FDOT grant for this purpose. However, in full disclosure, the current estimated cost of the design is \$5M based on the PD&E. Thus currently, a shortfall of \$1M in local funds and \$1M in grant funds are anticipated without additional funding being provided.
5. The County has property purchased in anticipation of being used for retention areas or borrow pits. These parcels will need to be addressed in the transfer.
6. This transfer will eliminate the need for a County connection/driveway permit for the Parkway/Babcock intersection as the City would then have full jurisdiction over Babcock Street instead of the County. However, the structure as to when the transfer would occur and

when the intersection could be constructed will need to be detailed in the ILA.

We also believe that with such an agreement, staff would be in a position to recommend the agreement include County Impact fee contributions toward the future widening of Babcock.

Of course we anticipate several of these items might require some discussion to formulate and finalize into an agreement. If the City believes this might be a viable option, let me know and I'll request John and the County Attorney's Office to develop a draft agreement as soon as reasonably possible.

I look forward to your review and response.

Regards,

Frank

From: Lisa Morrell <Lisa.Morrell@palmbayflorida.org>

Sent: Tuesday, February 18, 2020 7:44 AM

To: Abbate, Frank B <Frank.Abbate@brevardfl.gov>

Cc: Denninghoff, John P <John.Denninghoff@brevardfl.gov>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>

Subject: From the City of Palm Bay - SJHP & Babcock Connection

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Good Morning Frank,

Hope you had a nice long weekend. I am inquiring this morning as to the progress to the dedication agreement from the County Commission meeting last Tuesday. I have not received any information as to the agreement or timeframe. I have briefings this week with City Council and any parameters would be helpful to share.

Thank you,

Lisa Morrell
City Manager
City of Palm Bay
O: 321-952-3413
C: 321-863-9277

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