

# CITY OF PALM BAY, FLORIDA

## SPECIAL COUNCIL MEETING 2020-15

Held on Wednesday, the 23<sup>rd</sup> day of April 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This virtual meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 6:00 P.M.

### ROLL CALL:

|                       |                     |         |
|-----------------------|---------------------|---------|
| <b>MAYOR:</b>         | William Capote      | Present |
| <b>DEPUTY MAYOR:</b>  | Kenny Johnson       | Present |
| <b>COUNCILMEMBER:</b> | Harry Santiago, Jr. | Present |
| <b>COUNCILMEMBER:</b> | Jeff Bailey         | Present |
| <b>COUNCILMEMBER:</b> | Brian Anderson      | Present |
| <b>CITY MANAGER:</b>  | Lisa Morrell        | Present |
| <b>CITY ATTORNEY:</b> | Patricia Smith      | Present |
| <b>CITY CLERK:</b>    | Terese Jones        | Present |

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Frank Watanabe, Engineering Division Manager, Public Works Department.

### PUBLIC COMMENTS:

Public comments were considered under the specific agenda items.

### 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.**

The City Attorney read the resolution in caption only.

Motion by Mr. Santiago, seconded by Mr. Anderson, to adopt Resolution 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Consideration of an interlocal agreement with Brevard County for the St. Johns Heritage Parkway and Babcock Street intersection.**

Staff Recommendation: Approval of a) the St. Johns Heritage Parkway (SJHP) and Babcock Interlocal Agreement; and b) authorization to budget and appropriate \$80,0000 in Transportation Impact Fees, Nexus 32909, to complete the paving of the last ninety-six (96) feet of the SJHP.

Bill Battin, resident, said that years ago, residents were told that it would not cost anything to the taxpayers because the developers would pay for it all. Now residents had to pay for the SJHP, the intersection and future expenses for Babcock Street.

Tom Gaume, resident, asked how the City could have a road, which was conveyed by Brevard County (County), in which the City did not control the zoning or easements on both sides of the road. He suggested that the County deed one-half mile in each direction from the Babcock Street intersection to the City and the City could make its own determination as to when the roadway needed to be widened. He said Council should deny the Interlocal Agreement (ILA) and not place any additional burdens on the taxpayers.

Mrs. Morrell advised that the County would seek similar agreements from the Towns of Malabar and Grant-Valkaria as it related to zoning.

Deputy Mayor Johnson asked how much of the roadway the City would have to take over in order to control the permitting and if that would mean that the City would also have to perform the reconstruction and maintain the roadway. Mr. Watanabe said there would be one mile of roadway and if the City took ownership, there would still be connection points with the County and other governmental agencies.

Deputy Mayor Johnson asked the total debt to the City. Mrs. Morrell answered that it was \$24.1 million, which included \$7 million for intersection mitigation fees, approximately \$9 million for the roadway, and \$3.8 million owed to developers for the SJHP access point.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the ILA as requested.

Deputy Mayor Johnson said he was hesitant with approving the agreement as the road should be taken care of by the County, but this was a better deal than the last discussion by Council.

Mr. Santiago concurred with Deputy Mayor Johnson and said it was time to move forward. He supported the request.

Mr. Anderson said the City and County both agreed to set aside fifty percent (50%) of the Transportation Impact Fees (TIF) received for any new development in the south part of their respective jurisdictions. He said those monies were committed to that area regardless of what the City wanted to do with the dollars. He further explained the effect of impact fees in that area for the residents and said that the end game was to give Babcock Street to the State and not for Palm Bay to maintain the roadway.

Mr. Bailey disagreed with a lot of what the County had stated as to why the four-laning and other maintenance should be placed on Palm Bay and its taxpayers. He said the TIF could not be used for the long-term maintenance of roadway and there were no guarantees that there would be a new road and no way for the City to maintain it. He said it would be a strain on General Fund revenues moving forward. He questioned why Council thought this agreement was better than what was presented in October.

Deputy Mayor Johnson asked if the agreement in October included the City taking over the entire roadway. Mrs. Morrell said it was not the whole roadway, but that ILA included a \$1.5 million contribution from the County. Mayor Capote said that this ILA included phases and there were no phases in the last agreement for consideration. Mr. Santiago concurred with the Mayor and said that this contract was being done in steps as opposed to just taking over everything right now. Mr. Bailey understood there was somewhat of a delay in taking over the road, but the City would still ultimately it over. He said the deal got worse without the \$1.5 million. He asked how the City would pay the obligations for the intersection if the TIF funds were not received. There were no contracts from the developers to assure the City up front. Mr. Bailey felt there should be a firm stance from the City as far as what was fair to the Palm Bay community and the County, not just a one-sided agreement. He had hoped that Council would have gone in a different direction and asked if Council wanted a commitment from the developers that if they did not pay any TIFs, they would be responsible for taking care of the intersection.

Mr. Anderson said that if Council did not approve the agreement, approximately \$250 million in potential impact fees would be lost. The tax base would also grow which would bring down the tax rate for everyone. TIFs could also be used for debt service.

Mayor Capote felt other items could have been included in the agreement, but he supported the ILA as is.

Mr. Bailey reiterated his concerns about the developers committing to the intersection. He said that growing the residential base would not fix the City's problems. There had to be a mix of commercial and industrial.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Nay |
| Councilman Anderson  | Yea |

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 6:38 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK