

From: [MaryAnn Verillo](#)
To: [Bryan Pankhurst](#); [Sally Walsh](#)
Subject: FW: Mobility Plan Phase II Ordinance - 1st reading
Date: Monday, September 19, 2022 12:17:44 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

From: Tyson J. Waters <twaters@foxmcccluskey.com>
Sent: Monday, September 19, 2022 11:54:15 AM (UTC-05:00) Eastern Time (US & Canada)
To: Russ Blackburn <rblackburn@cityofpsl.com>; Elizabeth Hertz <ehertz@cityofpsl.com>
Subject: Fwd: Mobility Plan Phase II Ordinance - 1st reading

Due to other commitments and meetings today, I am not able to stay for the hearing on the Mobility Fee. I feel it is important nonetheless to express our position and feelings on the ordinance and process.

I would appreciate and request staff read my email below into the record as part of the 1st reading this morning.

Tyson Waters

Sent from my iPhone - please excuse any typos

Begin forwarded message:

From: "Tyson J. Waters" <twaters@foxmcccluskey.com>
Date: September 17, 2022 at 4:58:00 PM EDT
To: Tony Palumbo <Tony.Palumbo@mattamycorp.com>, Dana Pirulli <DPirulli@cityofpsl.com>, Anissa Cruz <Anissa.Cruz@mattamycorp.com>, Steve Garrett <sgarrett@lucidodesign.com>, autumn@ajentitlements.com, Shaun@mackenzieengineeringinc.com
Cc: Laura Dodd <LDodd@cityofpsl.com>, Mary Savage-Dunham <mdunham@cityofpsl.com>, Teresa Lamar-Sarno <tsarno@cityofpsl.com>, Russ Blackburn <rblackburn@cityofpsl.com>, Elizabeth Hertz <ehertz@cityofpsl.com>
Subject: RE: Mobility Plan Phase II Ordinance - 1st reading

I want to echo Tony's concerns and also expand on matters relating to the Ordinance and our discussions with City staff and the City's consultant. In our last call with the consultant and City staff, we were told the target date for approval of the Ordinance was October so there was time to ensure the Ordinance would be fully vetted and acceptable given the concerns Mattamy, and presumably others, have raised. We have consistently expressed concerns about the full acknowledgment of credits and work performed to improve roadways east and west of I-95. Specifically to attempt to address these concerns and comments, in our last call with the consultant and City staff we were told, in the event of no formal City impact fee credit agreement there would be four different methods for a developer to obtain credits or acknowledgement of prior work performed on its own or for others, therefore either offsetting or eliminating the assessment of mobility fees. We were told that these new options had been placed in the revised ordinance that would be circulated after that call. These opportunities were to include

transferring County credits to the City (which was in the prior draft circulated), recognizing prior improvements, recognizing multi-modal improvements made, and acknowledging the fronting of improvements costs that are the requirement of another party. All, if and as applicable, would be options to offset the newly proposed imposition of mobility fees.

The above referenced telephone call was on September 9th and we did in fact receive the Ordinance shortly after that call. That same afternoon, we emailed staff back expressing concern that the ordinance did not, in fact, contain the language the consultant had said it did. Instead of all four opportunities, the only option was to transfer County credits to the City, which was the only option in prior drafts too. Mattamy has been very clear and consistent about its belief that it is not responsible for any road impact fees, and therefore mobility fees, based on the two annexation agreements (which expressly provide that the developer has satisfied and accounted for all of its impacts on the roadways east and west of I-95 based on the committed improvements associated with the DRIs) and all of the other extensive road improvements that prior developers and Mattamy has agreed to, undertaken and completed over the years in furtherance of the DRI and for the benefit of the City.

Subsequent to my September 9th email to staff, I had a telephone call with City staff and expressed these same concerns about the exclusion of the additional credit opportunities. I was told that it was staff's impression and understanding that the four options were supposed to be part of the ordinance and they would follow up with the consultant. Until Friday's email notifying us of Monday's hearing, I had not heard anything further or received any revised Ordinance reflecting the representations made by the City's consultant.

This Ordinance is not ready for consideration by the City Commission and is not consistent with the representations that have been made to Mattamy, and presumably other impacted parties. There are outstanding representations, comments and concerns that should, and must, be addressed prior to City Commission consideration. The consultant has made representations and assurances to Mattamy that are not reflected in the Ordinance.

As Tony requests below, I would similarly request an extension to the proposed 1st reading of the Ordinance so that all interested parties can have their concerns and questions fully addressed, so representations made by the City's consultant can be reviewed and all parties can be assured that such representations are appropriately and adequately set forth in any proposed Ordinance. It is not appropriate to notify stakeholders and parties that have known concerns on the Friday afternoon prior to a Monday morning hearing to consider a Mobility Fee Ordinance. Stakeholders and interested parties should be able to rely on the representations made in conversations with City consultants and staff. The Ordinance provided to Mattamy is contrary to that expectation. My assumption, and hope, is that these omissions are oversights, but these oversights must be addressed prior to City Commission. A continuation to the proposed 1st reading is appropriate and warranted.

I appreciate your attention to this email and consideration of same.

Sincerely,

Tyson J. Waters, Partner



3461 SE Willoughby Boulevard
Stuart, Florida 34994
(772) 287-4444 Telephone, ext. 223
(772) 283-4637 Fax
twaters@foxmcccluskey.com

CONFIDENTIALITY WARNING: This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify us immediately by e-mail at the above e-mail address or via telephone at (772) 287-4444 AND DELETE THE ORIGINAL MESSAGE.

REPLIES FILTERED: Any incoming reply to this communication to us will be electronically filtered for "spam" and/or "viruses," which may result in your reply being quarantined and potentially delayed or not received at all. For that reason, we cannot guarantee that we will receive your reply or receive it in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail or, at a minimum, follow up with us to ensure that it was received. Although this e-mail is believed to be free of any virus or other defect that might affect any computer system in which it is received, it is the responsibility of the recipient to ensure that it is virus free. Fox McCluskey accepts no responsibility for any loss or damage arising in any way from its use.

From: Tony Palumbo <Tony.Palumbo@mattamycorp.com>
Sent: Saturday, September 17, 2022 9:55 AM
To: Dana Pirulli <DPirulli@cityofpsl.com>; Anissa Cruz <Anissa.Cruz@mattamycorp.com>; Steve Garrett <sgarrett@lucidodesign.com>; autumn@ajentitlements.com; Tyson J. Waters <twaters@foxmcccluskey.com>; shaun@mackenzieengineeringinc.com
Cc: Laura Dodd <LDodd@cityofpsl.com>; Mary Savage-Dunham <mdunham@cityofpsl.com>; Teresa Lamar-Sarno <tsarno@cityofpsl.com>; Russ Blackburn <rblackburn@cityofpsl.com>
Subject: Mobility Plan Phase II Ordinance - 1st reading

City Leadership

Please postpone the 1st reading of the Mobility Plan Phase II Ordinance, this document is not in a place of completion that will work for Mattamy Homes properties west of I 95.

As we have discussed with city staff in our multiple recent meetings, there are many sections of the document that are incomplete and have not been completely vetted or thought through with the industry that this Mobility Fee will be placed on.

Specifically, the process has Properties west of 95 expected to pay 3 to 4 times what our City road impact fee obligation was prior to the concept of a City Mobility Fee replacing a City Road Impact Fee, and certainly not the representation of our early meetings with city staff relating to the future Mobility Fee having a minimal financial impact.

My understanding of how impact fees are supposed to work as the financial impact of the burden new development or housing stock places on local Government.

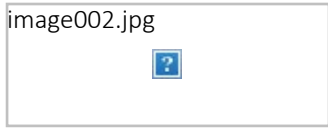
The underlying process that is found within the Western Annexation Agreement that expanded the City Limits west of I 95, placed the obligations and responsibility for needed roads or a transportation network on those land owners annexed into the City. This responsibility made the need for the City to impose a City Road impact fee within the Annexation area exempt, as stated within the Annexation agreement documents.

In my opinion the concept of a Mobility Fee has evolved to a program that will circumvent the existing Annexation agreements with a Mobility impact fee replacing one that had satisfied the state statute that allows for local Government to collect impact fees.

In conclusion please delay the Reading of this Ordinance a minimum of 60

days to fully have all of the needed provisions included that will be in compliance with the existing Annexation Agreements that have made all of the properties west of I 95 a part of the City of Port St Lucie.

Respectfully
Tony



Tony Palumbo
Vice President of Land Acquisitions & Entitlements
Southeast Florida Division
Cell 954-826-7487

Tony.Palumbo@mattamycorp.com
2500 Quantum Lakes Drive, Suite 215
Boynton Beach, FL 33426

Notice: This email is intended for use of the party to whom it is addressed and may contain confidential information. If you have received this email in error, please inform me and delete it. Thank you.

From: Dana Pirulli <DPirulli@cityofpsl.com>

Sent: Friday, September 16, 2022 3:37 PM

To: Tony Palumbo <Tony.Palumbo@mattamycorp.com>; Anissa Cruz <Anissa.Cruz@mattamycorp.com>; Steve Garrett <sgarrett@lucidodesign.com>; autumn@ajentilements.com; twaters@foxmclluskey.com; shaun@mackenzieengineeringinc.com

Cc: Laura Dodd <LDodd@cityofpsl.com>; Mary Savage-Dunham <mdunham@cityofpsl.com>; Teresa Lamar-Sarno <tsarno@cityofpsl.com>

Subject: [EXTERNAL] Mobility Plan Phase II Ordinance - 1st reading

Stakeholders and Representatives:

The Mobility Plan Phase II Ordinance (1st reading) shall be at 9:30 am on Monday, September 19th. Information pertaining to the agenda item (E.g. Ordinance and Exhibit A: Text Amendment; Technical Report; Summary Memo) may be found by following this [LINK](#).

You may also stay up to date on future mobility plan agenda items by visiting the [Mobility Plan Landing Page](#). Lastly, please feel free to reach out to Planning staff directly if you have any questions or concerns.

Thank you,



Dana Pirulli
Impact / Mobility Fee Specialist
City of Port St. Lucie
Planning & Zoning Dept.
121 SW Port St. Lucie Blvd, Bldg B
Port St. Lucie, FL 34984-5099
772-344-4387 office | 772-871-5124 fax

| dpirulli@cityofpsl.com

Please call the Planner of the Day at 772-871-5213 or email the department at planning@cityofpsl.com with any questions or inquiries.

