

City of Port St. Lucie

Special City Council

Meeting Minutes

121 SW Port St. Lucie
Blvd.
Port St. Lucie, Florida
34984

Gregory J. Oravec, Mayor

Stephanie Morgan, Councilwoman, District I
Dave Pickett, Councilman, District II
Shannon Martin, Vice Mayor, District III
Jolien Caraballo, Councilwoman, District IV

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Tuesday, January 26, 2021

10:00 AM

Council Chambers, City Hall

1. Meeting Called to Order

A Special Virtual Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Oravec on January 26, 2021, at 10:02 AM, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

2. Roll Call

Council Members Present:

Mayor Gregory J. Oravec
Vice Mayor Shannon Martin
Councilwoman Stephanie Morgan
Councilman Dave Pickett
Councilwoman Jolien Caraballo

3. Pledge of Allegiance

Mayor Oravec lead the assembly in the Pledge of Allegiance.

4. Public to be Heard

No one signed up to speak under this item.

5. Special Presentation

5.a Mobility Fees Presentation[2021-081](#)

The City Manager stated that mobility fees are an alternative to and more flexible than impact fees. He said they are utilized and levied by a number of cities and counties.

Teresa Lamar-Sarno, Deputy City Manager, reminded Council that the Budget Advisory Committee was tasked with reviewing impact fees. She said they provided Council with approximately ten recommendations, one of which suggested considering mobility fees. She indicated that Council requested a presentation on mobility fees and took action to terminate both the road impact fee and the parks impact fee.

Ms. Lamar-Sarno introduced the presenters, Louis Rotundo and Jonathan Paul.

Mr. Rotundo stated that he is a lobbyist and drafted the language that appears in the state statute regarding mobility plans and fees. He also explained how mobility plans and fees came about via the legislative process. He indicated that since 2013, over 55 local governments have adopted a mobility plan or fee in some form or fashion. He stated that this approach allows local governments to pre-plan their growth by designating areas, defining how much growth they want in those areas, and determining how much transportation mitigation will be required to meet that growth. He said an adopted mobility fee provides the funding source to pay for the improvements.

Mr. Rotundo stated that a mobility fee approach allows the city to do whatever is in their adopted mobility plan. He said it will allow for bikes, sidewalks, trolleys, transit, Uber, scooters, or whatever the city's vision is of mobility in their designated areas. He stated that when there is a plan and a fee, the fee must be spent per the plan.

Mr. Rotundo explained that the mobility fee is in lieu of an impact fee and, when properly adopted, it will be less than an impact fee in most cases and the city will receive more money.

Jonathan Paul, Principal of Nue Urban Concepts, provided a PowerPoint presentation on Mobility Plans and Fees. He explained that the City's fee will be based on the projects in their Multimodal Plan. He said a mobility plan and fee are more transparent and accountable for the developers and members the community, because they know

where the money is being spent. He stated that currently there is no mechanism holding the County accountable, because the roadway impact fee is only based on a theoretical cost and capacity. He said this approach allows the County to collect the money and spend it wherever they want.

Mr. Paul discussed transportation concurrency and proportionate share. He stated that roadway impact fees and transportation concurrency prioritize people getting in their vehicle and driving from point A to point B. He said with a mobility plan there are many ways to move people, whether they walk, bike, use transit, or drive.

Mr. Paul outlined the steps to implement a mobility plan and fee. He stated the City has already completed steps one and two by incorporating policies into their Comprehensive Plan and recently adopting a Multimodal Plan. He said they were really looking at steps three and four: How to develop a fee to replace their roadway impact fee; and implementing the ordinance to put that fee into effect.

Mr. Paul reviewed some examples of residential and commercial mobility fees. He stated that currently 80% of the total fee goes to the county and 20% to the city. He said with a mobility fee, there is an opportunity to have the developer pay a little less and the city receive the entire fee to fund all the projects identified in their program. He noted that significant revenue opportunity costs are currently going to the County and most of the improvements are occurring in the unincorporated county, including Midway and north of Midway.

Mr. Paul stated that a mobility fee also provides the ability to levy assessment areas or to bury the fee. He explained that closer to the coast, there may be a multimodal fee that pays for circulators, wider sidewalks, and crosswalks, and a higher fee in Tradition to fund new roadways. He stated he has used tiered fees where a city is trying to encourage infill and redevelopment and a lower fee where there is a greater need for roadway capacity. He said multimodal facilities may potentially pay a higher fee.

Mr. Paul stated he reviewed the City's plan and the layout of the community. He said the CRA area near the Intercoastal would likely have the lowest fee, the area between the CRA area and the Turnpike would be a middle tier, and the highest fee would be west of I-95 where they have their greatest needs. He stated that essentially there will be

a correlation between the need for improvements and the fee itself, because the fee is based on a list of projects.

Mr. Paul stated that it takes a lot of planning and several steps to develop a plan and a fee. He said he could turn this around in six months if everything falls into place and some quick decisions are made. He stated that a more realistic timeframe is nine months and would require moving forward relatively quickly, but it would allow time for community workshops, feedback, and some deliverables. He said depending on the level of contractual obligations, whether staff or another firm is involved, it could take up to 12 months.

Mr. Paul indicated the City may want to consider the definitive date as to when to terminate the Interlocal Agreement between the City and County. He stated if they terminate it right away, they will have to wait 90 days for anything higher than the City's current roadway impact fee. He said if the dollar amount is less than the two combined, while the City is still paying it, they could implement the mobility fee the day it is adopted.

In summary, Mr. Paul stated that it would take six months to a year to implement a mobility fee. He said the City would need to review their Comprehensive Plan to remove the transportation concurrency, roadway impact fees, and policies that support their current system. He indicated that implementation would include site access, funding, and prioritization of projects. He said the transition of going from a roadway impact fee to a mobility fee, in terms of the day-to-day operation, should be relatively seamless.

Mayor Oravec stated the County could not charge a road impact fee on top of the City's mobility fee, to which Mr. Paul responded in the affirmative. He said the County would not have a basis to charge a road impact fee, because they cannot charge twice for the same trips. He suggested that the City include Glades and Midway in their plan, and when the County is ready to move forward, the City can provide its contribution.

Mayor Oravec stated he thought they would have to negate that argument unless it has been tested under judicial scrutiny. In response, Mr. Rotundo explained that nothing in the state law says there is a city fee and a county fee, as it says a developer shall mitigate their transportation impacts through the payment of a fee. He said who

they pay it to and what it is for is governed by both state and case law, which says there must be a rational nexus. He stated if the City chooses to go forward with a mobility plan and fee, it would be written into their Comprehensive Plan that the City requires 100% mitigation. He said if the County can demonstrate that a project impacts a road, the City will pay their percent when the County is ready to build it. He stated, if the City moves forward, the technical and legal issues will be addressed and safeguards will be incorporated into their Comprehensive Plan.

Mayor Oravec inquired as to who would pay the mobility fee. Mr. Paul explained that it would be assessed at the building permit. He recommended that if the developer was given credit for an impact fee that they also be given credit for a mobility fee.

Vice Mayor Martin stated that she thinks they should move forward and explore this more. She said it is time to take control of their development, as the old way is not working and the process is not fair. She stated they will have more flexibility in implementing their Multimodal Plan and be free from the County's constraints.

Mayor Oravec questioned if it was a phased or a tiered approach. He also asked if they should start with one multimodal plan knowing that they want a different multimodal plan. He explained that so many projects need to be and could be done on St. Lucie West, Rosser, and Savona Boulevards, that it becomes a chicken and an egg issue.

In response, Mr. Rotundo indicated that the statute says if a local government chooses to adopt a different transportation mitigation scheme, they may do so as long as the total fee will be lower. He stated at the moment the City initiates the process, they can continue with their development conversations. He said at the moment the ordinance is adopted or the developer comes in to pay, they can choose to pay the new lower fee or the old higher fee.

Mayor Oravec stated he would like to go full speed ahead with the understanding that to do this right, the staff, team, and City Manager would need to elevate their approach. He said he feels like they are obligated to move forward just based on the numbers alone.

Councilwoman Caraballo stated she agreed with elevating this plan and moving it forward. She said it is a high priority for staff and needs to be

done as soon as possible due to their growth. She asked the City Manager if he will be conversing with the developers and the important people, so that they understand the process. She also asked if Council would be receiving a report on how the current entitlements will be impacted by a future mobility fee.

In response, the City Manager explained that the City has a long history of impact fees, so the transition will be smooth for someone starting a new project. He said staff will talk to the existing developers of the Southern Grove/Tradition area, regarding the current impact fee credits, to ensure they are not damaged through the process and the City gets its roads, sidewalks, and improvements.

Mayor Oravec asked what their recommended planning horizon was for a Multimodal Plan, as it is the basis for the fee. In response, Mr. Paul stated that it is typically a 20 year horizon, because technology is changing.

Mayor Oravec questioned how long it took from notice to adopting a mobility fee in Sarasota County and Altamonte Springs. Mr. Paul stated it took three years for the first go around in Sarasota County and seven months for the update. He said for Altamonte Springs the first go around was about a year and the second took nine months.

Councilwoman Morgan stated that the County has given huge impact fee credits to the major developers and commercial coming into the Southern Grove area, so this is not something to be rushed through. She said all the Council members travel on county roads and create an impact. She stated that they need to do this with a level head and do it the right way. She said she is open to hearing and learning more about the mobility fee structure.

Mr. Paul stated there are ways to address those credits and agreements, but the City may want to rethink rescinding the County's current roadway impact fee. He said if they stop collecting the County's fee today, those developers would not be paying it and all the issues would still be there. He stated the City may want to extend the impact fee and let the County know what they intend to do as a community. He said if they keep the impact fee until the City is ready to move forward, they would not need the 90-day implementation period if the fee is lower and could adopt it right away for a smooth transition.

Mr. Paul explained he was not recommending only funding City roadways and not doing anything for County facilities. He stated as a community they will be focused on a transportation network in the City of Port St. Lucie. He said as elected officials they will be planning mobility within their City as well as laying out their vision of the City and how people interact and go to and from the City.

Mr. Paul recommended reconsidering getting rid of the agreement with the County right away, because of the outstanding credit agreements. He said there is some incentive to keeping that process in place, as they could move forward relatively quickly and show the County that the City is willing to work with them in terms of transitioning, but the City wants to be the one making the decisions.

Mayor Oravec stated that the fundamental question is whether the City should begin the process and for him it is an open and shut case.

Councilwoman Caraballo moved to direct the City Manager to come back with a contract and a plan for Mobility Fees, so that the Council can proceed. Vice Mayor Martin seconded the motion.

Under discussion:

Mayor Oravec asked the City Manager to bring back the multimodal element as part of the Mobility Fees plan and include St. Lucie West as part of this process.

The City Manager informed Council that staff has sent a 6-month notice to St. Lucie County of the intent to end the Interlocal Agreement, which could end October 1, 2021, and he anticipated negotiating a transition plan. Mayor Oravec directed staff to bring that back as part of their Mobility Fees plan and that the contract include budget, scope, timeline, etc.

Councilwoman Caraballo stated that she would like the City Attorney to weigh-in on future fee collections with the County and the current legality of whether the City should be collecting these fees based upon the nexus currently being provided to the City.

Councilwoman Caraballo inquired if the impact fees reports have been received from St. Lucie County, to which the City Manager stated that St. Lucie County has provided some information.

Mayor Oravec asked when staff will be back with a Mobility Fees contract and plan for Council, to which the City Manager indicated it would be no more than 30 days.

The motion passed unanimously by roll call vote.

6. Adjourn

There being no further business, the meeting was adjourned at 11:30 AM.

Karen A. Phillips, City Clerk

Traci Mehl, Deputy City Clerk