

COUNCIL SPECIAL MEETING MINUTES JANUARY 27, 2010

Pursuant to Public Notice, Mayor Ferrante convened a special meeting of the City Council on Wednesday, January 27, 2010, at 6:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Jeffrey Fleis, Councilman Mike Chase, Councilman Scott Rhodes, City Manager Michael P. Crotty, and City Clerk Barbara Montanaro. Councilman William Higginson was unable to attend.

Mayor Ferrante led the Pledge of Allegiance.

DISCUSS/TAKE ACTION ON AWARD OF BID FOR CASSIA PHASES I AND II DRAINAGE PROJECT

City Engineer David King presented the certified bid tabulation report dated January 11, 2010, for the Cassia Phases I and II drainage project. Thirteen bids were opened on January 7, 2010. H&D Construction of Fort Pierce submitted the lowest bid of \$913,760.50, which was lower than the engineer's estimate (\$1.23 M) and the EPA/DEP 319h grant application estimate (\$1.30 M). H&D Construction holds active State Certified General Contractor and State Certified Underground Utility and Excavation Contractor licenses with no active complaints. Mr. King spoke with several municipalities where H&D had worked and they were satisfied with the quality of their work.

Council discussed the following:

- It is desirable to keep the Cassia ditch open for wading birds. The City Hall pond will remain for aesthetics and a nutrient separator.
- Were any of the bids from a local contractor? (Luchetti, Palm Bay - \$1,053,118; and Maxwell contracting, Cocoa - \$1,057,000) Is it worth 10% to keep the contract local to employ Brevard County residents? (The general margin to stay local is 1%-3%.)
- What control does the City have over the project? (General provisions in the contract provide a time line and the City assigns a staff person to be a liaison between the contractor, staff and the residents.)
- Does the City have the necessary permits? (Yes, except the contractor is working with Florida Power and Light regarding poles they will be working near.)

Mayor Ferrante asked for public comments. The following individual addressed Council:

John Fergus, 135 Maple Street, stated that the grant was written to address the flooding problems at Greenway; this should fix the road problem there. The open ditch was piped at one time, but they had to remove the pipe because it caused flooding.

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to approve award of bid to H&D Construction Company in the amount of \$913,760.50, as recommended

by the City Engineer in his January 11, 2010, report. VOTE: ALL AYES. MOTION CARRIED.

**STATUS REPORT ON CITY'S TOTAL MAXIMUM DAILY LOAD (TMDL)
STORMWATER EFFORTS**

City Engineer David King gave a PowerPoint presentation explaining TMDLs (Total Maximum Daily Load) and the impact the Natural Pollutant Discharge Elimination System (NPDES) of the Environmental Protection Agency will have on the City. NPDES is an Environmental Protection Agency/Florida Department of Environmental Protection (FDEP) program which focuses on point source "polluters," construction site runoff and urban stormwater systems operations. The FDEP has initiated the Basin Management Action Plan for the Indian and Banana Rivers and will calculate pollutant load allocations for each city.

Year 2000 will be the base year for evaluation and each city will be required to implement programs to reach an assigned percentage reduction goal. Any Best Management Practices implemented since 2000 can be used to reach that goal.

It is not economically feasible to reach TMDL goals. FDEP has estimated the cost to address the Indian River Lagoon to be \$700 M.

The major pollutants that have been identified are Nitrogen and Phosphorus.

Council concurred that water quality is a quality of life issue for all residents. They discussed the overwhelming odds of being able to fund projects that will meet the EPA/FDEP Action Plan. However, they recognized the need to do what is necessary to protect the environment.

Mayor Ferrante asked for public comments. The following individuals addressed Council:

- John Fergus, 135 Maple Drive, stated that he has a meeting with FDEP to establish a working relationship. He emphasized the need to keep informed and involved to ensure that their data is consistent with the City's data. He stated that fertilizer is the issue; if people stop fertilizing, the City could meet the standards after all the build up of nitrogen and phosphorus are flushed out. He commented on the negative estuary – one-third of the water in the Banana Rivers comes from the Indian River at Dragon Point from Eau Gallie, which is some of the worst water in the lagoon. The model does not address this source. Someone is going to be forced to sign a document to implement projects for tens of millions of dollars within fifteen years. He, again, emphasized the need to stay involved.

- David R. Schechter, 635 Seville Court, asked if all the point sources are gone now. [No, they are factored into the data.] He commented on the baffle boxes and the need to empty them. [Public Works monitors and empties the ones at Jackson, Roosevelt, and DeSoto.]
- Dominick Montanaro, 465 Glenwood Avenue, stated that the City has been proactive in working with St. Johns River Management District with innovative stormwater treatment projects. The improvements to South Patrick Drive were originally scheduled to have stormwater retention areas; however, Florida Department of Transportation did not have the funds to secure those parcels early. By the time the project started, the areas identified had been developed. The City has a good track record for protecting the environment. This is a money-sucking endeavor. It is important to elicit the help of citizens to reduce the amount of pollutants running off lawns and to keep the storm drains clear of debris.

ACTION: No action needed; this was an information only presentation.

MAYOR FERRANTE CONVENED THE COMMUNITY REDEVELOPMENT AGENCY FOR THE FOLLOWING AGENDA ITEM:

DISCUSS/TAKE ACTION ON UNDERGROUNDING OF ELECTRICAL UTILITIES ALONG THE A1A CORRIDOR

City Engineer David King presented the following information regarding undergrounding utilities along Highway A1A:

- The project length was surveyed in 2008 and requests were sent to existing aerial utility companies: Florida Power and Light (FPL), AT&T, Bright House Networks (BHN), and Level 3 Communications (L3C). FPL provided a preliminary estimate of \$2,900,00 and L3C, \$501,720.
- The City paid FPL, AT&T, and BHN an engineering fee deposits and received binding cost estimates.
- The City decided to divide the project into 3 phases and Quentin L. Hampton Associates worked with FPL on required easements for large transformers, switch gear and other equipment.
- For Phase I, FPL completed a binding cost estimated of \$568,859 Contribution In Aid of Construction (CIAC). The cost estimate includes a \$400,000 adjustment

credit, i.e. Government Adjustment Factor (GAF). The GAF was to sunset in October 2009, but it has been extended until October 2010;

- If the City decides to proceed with Phase I, it needs to determine what, if any, streetscape improvements will be included with the project.
- The estimated cost for Phase I is \$2,340,000: Utility undergrounding, \$1,170,000; West side sidewalk, \$260,000; Streetlights, \$100,000; Mast arm signals at three intersections in Phase I, \$420,000; and 20%/Design/Permitting/Administration, \$390,000.

Council discussed ownership of utility poles and franchise fees received by the City for granting utility easements. Council also discussed the types of streetscape improvements that might be included in the project.

City Manager Michael Crotty stated that the project and plans have come together; but the financial expectations for the Redevelopment District have changed dramatically since the citizens listed undergrounding utilities as their #1 priority. The City Manager distributed a spreadsheet showing net total revenue from the Redevelopment District from FY 01/02 through 09/10. FY 09/10 was the first year to show a decrease in revenue; this decrease was caused by a loss in taxable value due to the decline in the economy.

City Manager Crotty further stated that this is the first time in his twenty-five years as Satellite Beach City Manager that he has had to recommend to Council not to proceed with a project so strongly supported by the residents. However, in view of the unfunded stormwater mandates, the reduction in revenue, and the uncertainty of what the State Legislature will do to municipalities in this Legislative Session, he recommended that the undergrounding project be put on hold until financial conditions are more positive.

Mayor Ferrante asked for public comments. The following individuals addressed Council:

- John Fergus, 135 Maple Street, spoke in strong opposition to going into debt in this economy. He suggested this might be a good time to start securing easements to locate utility equipment.
- Dominick Montanaro, 465 Glenwood Avenue, recommended that the City identify and enter into some agreement that the City plans to proceed, but no money changes hands. As much as this has been identified as the desire of the residents, this is not the time to proceed.

- David R. Schechter, 635 Seville Court, Chairman of the CRA Advisory Committee, suggested that this be sent back to the Committee for review and recommendation.

Vice-Mayor Fleis asked for a map showing Highway A1A and streets that tie into it. Some properties may have to be aggregated or a side street may have to be closed.

ACTION: No action needed; this was an information only presentation.

MAYOR FERRANTE RECONVENED THE COUNCIL AND ADJOURNED THE MEETING AT 8:06 P.M.

Barbara Montanaro, CMC
City Clerk

Community Redevelopment Agency

Estimates

ACTUAL	Value	Additional	Total	Incremental	County	County	City	City	Less	Net
	2001	Current	Taxable	Tax Value	Tax Rate	Tax Rate	Tax Rate	Tax Rate	5%	Total
FY	Base	Taxable	Value	(TTL - Base)	(Mills)	Dollars	(Mills)	Dollars	Admin.	Revenue
	Year	Value	POST VAB #'s						Fee TTL	
01/02	124,686,190	-	124,686,190	-						
02/03	124,686,190	15,828,210	140,514,400	15,828,210	4.4495	70,428	6.6404	105,106	8,777	166,757
03/04	124,686,190	19,610,690	160,125,090	35,438,900	4.4344	157,150	6.5953	233,730	19,544	371,336
04/05	124,686,190	30,399,850	190,524,940	65,838,750	4.1278	271,769	6.3812	420,130	34,595	657,304
05/06	124,686,190	35,511,960	226,036,900	101,350,710	3.6249	367,386	6.3596	644,550	50,597	961,339
06/07	124,686,190	68,715,060	294,751,960	170,065,770	3.8558	655,740	5.9000	1,003,388	82,956	1,576,171
07/08	124,686,190	10,095,870	304,847,830	180,161,640	3.6440	656,509	6.1742	1,112,354	88,443	1,680,420
08/09	124,686,190	(13,913,800)	290,934,030	166,247,840	3.7193	618,326	7.1207	1,183,801	90,106	1,712,020
09/10	124,686,190	(30,414,830)	260,519,200	135,833,010	3.7161	504,769	7.8193	1,062,119	78,344	1,488,544

ATTACHMENT: January 27, 2010, City Council Minutes