



Legislation Text

File #: 20-562, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: September 17, 2020
Agenda Date: September 23, 2020
Prepared By: Matthew Fuhrer, Interim City Manager
Through:
Requested Action:

Update on the status of the Family Promise of Brevard Lease Agreement for the former fire station #1 administrative offices facility and direction to publish a Request for Proposals for the redevelopment of the 114 First Street property.

BACKGROUND:

At the June 10th regular City Council meeting City Council directed staff to negotiate a long-term lease of the old fire station #1 located at 114 First Street in Cocoa. Since that meeting staff has been working with representatives of Family Promise of Brevard to develop a mutually agreeable lease agreement. While working on the details of the Agreement representatives of Family Promise of Brevard were working simultaneously to conduct the necessary assessments of the facility to gain an understanding of their commitment. It was anticipated that staff would be returning an Agreement for City Council consideration at the September 23rd regular City Council meeting. The former fire station #1, while owned by the City of Cocoa, is located within the Cocoa Community Redevelopment Area.

On Friday September 11th 2020, the Florida Court of Appeals 2nd District issued an opinion that raises questions regarding the City's ability to directly negotiate a lease for the former fire station with Family Promise of Brevard. The opinion, while not yet final, concludes that previous guidance of the Florida Attorney General regarding the process to dispose of or lease real property within a Community Redevelopment Agency incorrectly stated that property acquired prior to the creation of a CRA was not subject to the request for proposal process required in section 163.380(3)(a), Florida Statutes.

Request for Proposals (RFP) Process

Should City Council desire to proceed with a long-term lease of the former fire station to any private lessee, it is recommended that an RFP be issued in accordance with section 163.380 of the Florida Statutes that regulates the disposal of real property within community redevelopment areas under such circumstances. In short, in order to comply with Chapter 163.380(3)(a), a public notice through a newspaper publication having general circulation in the community must occur for at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property. In addition, prior to the execution of a lease, the City would need to invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. The City Council must then

consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out. The City Council may accept such proposal as it deems to be in the public interest and in furtherance of the Community Redevelopment Act.

If it is the desire of City Council to proceed with the issuance of an RFP, staff will need direction to properly draft and issue the RFP. The following list is representative of criteria of an RFP that could be applicable due to the City's continued use of a portion of the site/facility for municipal services.

- The City is seeking a bonafide not-for-profit to provide social services out of the available facility space that would lead to the prevention and reduction of slum and blight within the redevelopment area and City as a whole.
- The City has an operational need for the continued use of the fire station "bay" area for police department storage of evidence and former water tower.
- The City requests the property/facility be refurbished at the organizations cost within 6 months of the execution of the Lease Agreement.
- The organization shall have the financial means to carry out the redevelopment activities.
- The organization shall be legally capable of providing said social services through the duration of the lease term.

City Council Direction

- Does the City Council desire to have an RFP produced, legally advertised, submissions reviewed and results returned for their consideration?
- What criteria would the City Council seek to include as scoring criteria of the RFP?

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

PREVIOUS ACTION:

Enter text here

RECOMMENDED MOTION:

Update on the status of the Family Promise of Brevard Lease Agreement for the former fire station #1 administrative offices facility and direction to publish a Request for Proposals for the redevelopment of the 114 First Street property.