



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Valentino Perez, Public Works Director

**DATE:** March 21, 2024

**RE:** Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, Amendment 1 - Public Works Department (Kimley-Horn and Associates - \$21,155); and consideration of utilizing Parks Impact Fees (32907 and 32908 Nexus).

### SUMMARY:

At the June 2, 2022, Council Meeting, Council awarded a contract to Kimley-Horn for campground engineering and design and related services. The scope of the contract included design of a future northwest entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway. Following Council direction at the September 7, 2022, Council meeting, Staff terminated the Tourism Development Council grant agreement for a campground and began negotiating a task order for design of a new entrance to the park, to include a bridge from St. Johns Heritage Parkway and a connecting roadway to the existing interior roadways of the park. The Task Order was approved by council on December 21, 2023.

After further discussion between department contacts and the contractor, Staff is recommending improvements to the design to best meet the pedestrian needs of the City, walkability for surrounding residents, and encourage the future development of amenities at the City's regional park.

Amendment 1 expands the planned improvements to include the following:

- Modified new preliminary roadway alignment to terminate at Championship Circle, versus previously terminating at Regional Park Trail. The previous termination point bisected a large amount of open space, which may limit the amenities the City could add in the future. It also impacted the existing parking along Regional Park Trail near the pavilion and the dog park and would have required the creation of new parking areas, as the existing parking on Regional Park Trail would need to be eliminated. By moving the connection point to Championship Circle, the City will leave a large area of green space and room for future

amenities and maintain the parking on Regional Park Trail. The new roadway will be approximately 1,440 LF in length. This Amendment is based on that approved preliminary alignment.

- Additional sidewalk along the west and north sides of Championship Circle to complete the existing sidewalk along the roadway. This will create complete walkability and pedestrian pathways in the park, from St. Johns Heritage Parkway, on the new pedestrian paths on the bridge, along the new roadway, adding sidewalks to Championship Circle, and connecting to the existing sidewalks at Roberto Clemente Walker Baseball Softball Complex to the south and the north to the sidewalks off Regional Park Trail.

The Engineer has provided an amendment to their existing task order to accommodate these modifications for a total increase of \$21,155.

Staff is also requesting to encumber the tentative construction costs of the bridge in the project budget. At the December 21st Council meeting, the estimated budget was \$3.75 million. The new construction estimate is \$4.56 million. Note this estimate is very conceptual and based on preliminary values. The reasons for the increase are two-fold. First, the new alignment does add additional costs, specifically related to the added sidewalks and roadway. In addition, the FDOT historical average has increased by approximately 22% since December 2023 when the last estimate was created; the new estimate uses the increased historical averages from the latest postings released in January 2024. Parks and Facilities is requesting that these funds be added to the existing Capital Project 24PK30 Fred Poppe Regional Park Bridge.

The request will be a 50/50 split from Recreation Impact Fee Nexus 32907 and 32908. The City is not able to use impact fees from other zip codes. As opined by the City Attorney, an impact fee must confer a special benefit on fee payers in a manner not shared by those not paying the fee. An impact fee is permissible only if (1) it offsets "needs that are sufficiently attributable to" the new development; and (2) "the fees collected are adequately earmarked for the substantial benefit of the residents of the new development." *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611 (Fla. 4th DCA 1983)(citations omitted). "If a fee is charged that has no nexus or logical bearing on an impact then it would amount to a tax without regard to the name that was assigned to it." *City of Tarpon Springs v. Tarpon Springs Arcade, Ltd.*, 585 So.2d 324, 326 (Fla. 2nd DCA 1991). The use of impact fees citywide does not provide a unique benefit to fee payers not shared by all citizens. Although all residents or nonresidents may get some benefit from a public park, those that are closest to the park are thought to receive a special benefit through their proximity and ease of use.

Current impact fee balances, less encumbrances, as of last reconciliation (January

2024): Nexus 32907 - \$1,849,092; Nexus 32908 – \$3,335,889. These balances are less encumbrances previously approved, including the electrical upgrades in Championship Circle and the engineering task order for the bridge. As of the January 2024 Parks Impact Fee balance, the project would have a shortfall of \$441,486 in the 32907 Nexus. However, impact fees are expected to continue to grow in this zip code; for example, from November to December 2023, Parks Impact Fees grew by \$86,051. There are also funds in the 32908 Nexus now that would cover the shortfall. Additionally, the design timeline is 12 months which will provide more time for Parks Impact Fee balances to accrue. Currently, in 32907, there are 3,291 vacant, residential, platted parcels. As such, Staff requests to encumber the available balance from 32907 and 50% of the project cost from 32908 to the project and will return to Council with a request to encumber any additional funds towards the project budget once the design is further along.

**REQUESTING DEPARTMENTS:**

Public Works

**FISCAL IMPACT:**

The total for the amendment is \$21,155. Pending the approval of the expenditure of Parks Impact Fees, Staff will prepare a budget amendment moving \$10,578 (50% each) from 192-0000-104-3006 Recreation Impact Fee Nexus 32907 and 193-0000-104-3006 Recreation Impact Fee Nexus 32908 in to 192-4550-572-6301 and 193-4550-572-6301 respectively, project 24PK30 Bridge and Roadway Construction from SJHP to Fred Poppe Regional Park. Staff is requesting additional funding be added to the project for future construction costs in the amount of \$1,849,092 (current available balance at time of Council action) from 192-0000-104-3006 Recreation Impact Fee Nexus 32907 and in the amount of \$2,280,000 (50% of estimated project costs) from 193-0000-104-3006 Recreation Impact Fee Nexus 32908 into 192-4550-572-6301 and 193-4550-572-6301 respectively, project 24PK30.

**STAFF RECOMMENDATION:**

Motion to 1) authorize the execution of Kimley-Horn Amendment No. 1 to Master Agreement 28-0-2022; 2) approve the utilization of recreation impact funds on the next scheduled budget amendment in the amount of \$10,578 from Nexus 32907 and \$10,578 from Nexus 32908; and 3) approve the utilization of recreation impact funds on the next scheduled budget amendment in the amount of \$1,849,092 from Nexus 32907 and \$2,280,000 from Nexus 32908.

**ATTACHMENTS:**

1. Kimley-Horn Amendment No. 1 to Master Agreement 28-0-2022
2. Fred Poppe Park New Roadway – Revised Cost Estimate 2024-01-31
3. Alignment Concept 2024-01-25
4. Alignment Concept Revised 2024-01-30