



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 09/25/07

SUBJECT: Purchase Order to the Kimley-Horn & Associates Inc. contract for preparation of the Comprehensive Plan Evaluation and Appraisal Report, with the exception of the Public Facilities Element

DEPARTMENT: Community Development

RECOMMENDED MOTION: To approve the issuance of a purchase order to the firm Kimley-Horn & Associates Inc. contract for preparation of the Comprehensive Plan Evaluation and Appraisal Report, with the exception of the Public Facilities Element, and to authorize the Mayor and City Manager to execute all required contract documents on behalf of the City.

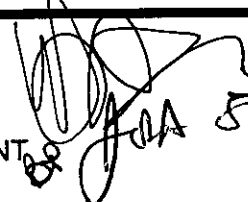


SUMMARY: The State Growth Management Act requires that local governments periodically review and update their adopted Comprehensive Plans according to a schedule established by State statute. The Evaluation and Appraisal Report (EAR) evaluates the performance of the various Elements of the Comprehensive Plan. It assesses the successes and shortcomings of the various Goals, Objectives, Policies, and programs included within the plan; and it provides recommendations for necessary changes. Additionally, the EAR provides an opportunity to identify major issues in a community and evaluate how effective the Comprehensive Plan has been in addressing these issues. Based on this evaluation, the report suggests how the plan should be revised to better address community objectives.

Kimley-Horn's services will be directed to preparation of updates to the Comprehensive Plan for the Evaluation and Appraisal Report with the exception of the Public Facilities Element, consistent with Florida Statutes and the Department of Community Affairs *A Guide to Preparing an Evaluation and Appraisal Report*. The Planning and Development Division of the Community Development Department will administer this contract, and coordinate closely with other city staff as needed.

Staff recommends approval to issue a purchase order to the firm Kimley-Horn & Associates Inc. for an amount not to exceed \$50,000.00. Funding is available from account #001-1900-515-3113.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Community Development

DEPARTMENT HEAD		Wayne Clark, ACP Community Development Director	Date	9/14/07
FINANCE DEPARTMENT		Approved as to Budget Requirements	Date	9/14/07
CITY ATTORNEY	N/A	Approved as to Form and Legality	Date	N/A
CITY MANAGER		Approved Agenda Item For:	Date	9/25/07

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:



Kimley-Horn
and Associates, Inc.

September 11, 2007

Mrs. Penelope Cruz
Senior Planner
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

■
851 Dunlawton Avenue
Suite 302
Port Orange, Florida
32129

Dear Mrs. Cruz:

In accordance with our current Professional Services Agreement, Kimley-Horn and Associates, Inc. (“KHA” or the “Consultant” or “We”) is pleased to submit this Scope of Services (the “Scope of Services”) to the City of Port Orange (the “Client”) to provide professional planning and engineering consulting services to prepare the City’s Evaluation and Appraisal Report (EAR) to meet its Florida Growth Management requirements.

PROJECT UNDERSTANDING

The City of Port Orange has already begun the EAR process by establishing the major issues and obtaining the Letter of Understanding from the Department of Community Affairs (DCA). Based upon our conversations, you indicated that the City is requesting assistance to complete the EAR and work with DCA to obtain a finding of sufficiency. Kimley-Horn’s role will be to serve as an extension of your staff to complete the EAR.

As you know, the extent of EARs vary dependent upon the major issues within the City and the complexity of the comprehensive plan’s goals, objectives, and policies. In addition, the EAR addresses population growth and changes in land area, the extent of vacant and developable land, and the financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element. Finally, the plan must be reviewed to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends within the area. The consultants services will be directed to preparation of the Evaluation and Appraisal Report, consistent with Florida Statutes and the Department of Community Affairs *A Guide to Preparing an Evaluation and Appraisal Report*, as described in the section titled Scope of Services.

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TEL 386 761 2256
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SCOPE OF SERVICES

Our proposed scope of services required for completion of the City of Port Orange's EAR is outlined in the following tasks.

Task 1 – Data Collection

We will collect secondary data for each of the elements included within the adopted City of Port Orange Comprehensive Plan to satisfactorily assess how well each objective is meeting the intent. The current elements of the Plan include:

- Future Land Use
- Transportation
- Housing
- Public Facilities Element (assessment by others)
- Coastal Zone Management
- Conservation
- Recreation & Open Space
- Intergovernmental Coordination
- Capital Improvements
- Public School Facilities

Geographic information systems will be utilized to evaluate the Plan elements and prepare the necessary maps as part of the EAR process.

Task 2 – Evaluation and Appraisal Report

The content and organization of the proposed EAR will be based upon the Letter of Understanding obtained by the City from the Department of Community Affairs. The proposed report will also include information and analysis required by Chapter 163. 3191, Florida Statutes, which includes:

Introduction

1. A brief profile of the City and statement of the purpose of the EAR.

Community-wide Assessment

2. Population growth and changes in land area, including annexation [163.3191(2)(a)].
3. The extent of vacant and developable land [163.3191(2)(b)].
4. The location of existing development in relation to the location of development anticipated by the plan [163.3191(2)(d)].



5. The financial feasibility of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency through capital improvements, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities [163.3191(2)(c)].
6. A brief assessment of successes and shortcomings related to each element [163.3191(2)(h)].
7. Relevant changes in growth management laws [163.3191(2)(f)].

Evaluation of Major Issues

8. An analysis of each major issue for its potential social, economic, and environmental impacts of these issues [163.3191(2)(e)].
9. The identification of plan objectives related to each major issue. This will include an evaluation of the extent to which the objectives have been achieved. This will also include a discussion on any unforeseen and unanticipated changes and circumstances which have resulted in problems and opportunities with respect to major issues in each element [163.3191(2)(g)].
10. The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections and distribution, new revised planning timeframes, a revised future conditions map or map series, an updated Capital Improvements Element, any new and revised goals, objectives and policies for major issues identified within each element [163.3191(2)(i)].

Special Topics

11. An evaluation of whether any past reduction in land use density within the coastal high-hazard area impairs the property rights of current residents when redevelopment occurs including, but not limited to, redevelopment following a natural disaster. The City will identify strategies to address redevelopment and the property rights of affected residents balanced against public safety considerations [163.3191(2)(m)].
12. An assessment of the extent to which a concurrency exception area designated pursuant to 163.3180(5) F.S., or a multimodal transportation district designated pursuant to 163.3180(15) F.S., has achieved the purpose for which it was created and otherwise complies with the provisions of 163.3180 F.S. [163.3191(2)(o)].



13. An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing a concurrency management system in coordination with the local governments in Volusia County, as appropriate pursuant to 163.3180(10) F.S. [163.3191(2)(p)].

The draft report will be prepared as an 8 ½ x 11-inch document presented in a three-ring binder. Color maps will be used as necessary. We will provide the City up to one hard copy and one electronic copy of the draft EAR for review and comment prior to scheduling the Planning Commission hearing. Revisions to the draft EAR document will be made based upon comments from City staff.

Task 3 – Planning Commission/City Council Draft EAR

We will provide one hard copy and one electronic copy of the draft EAR for distribution for the Planning Commission and City Council hearings.

Task 4 – DCA Preliminary Review Draft EAR

We will revise the draft EAR based on Planning Commission and City Council comment and staff direction. We will provide one hard copy and one electronic copy of the final draft EAR for transmittal to DCA and the review agencies for preliminary review.

Task 5 – DCA-generated EAR Revisions

We will revise the EAR based on comments from DCA and the local, regional, and state review agencies with direction from City staff. We will provide one hard copy and one electronic copy to staff.

Task 6 – EAR Adoption Draft

After the completion of Task 5, we will provide one hard copy and one electronic copy of the final EAR for the City Council adoption hearing and transmittal by the City to DCA and the review agencies. KHA will be available to address sufficiency comments raised by DCA or the review agencies.

Task 7 – Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope the Client requests, will be considered additional services and will be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:



- EAR-based amendments
- Concurrency management program
- Proportionate-fair share provisions
- Zoning Code amendments
- Additional copies of the EAR
- Public meetings/workshops

INFORMATION PROVIDED BY CLIENT

The following information shall be provided by the Client. We shall be entitled to rely on the completeness and accuracy of all information provided by the Client.

- City's Comprehensive Plan
- Letter of Understanding from DCA with identified major issues
- All necessary Comprehensive Plan element maps in GIS or AutoCAD
- Copy of previous EAR
- Element assessment by other consultants
- Format and font of document

SCHEDULE

We will provide our services to meet the mutually agreed upon schedule and to assist the City with adoption of the EAR on or before February 1, 2009. The first draft of the EAR will be completed by January 11, 2008 with a final draft by March 21, 2008, for the Planning Commission meeting in May/June.



FEE AND BILLING

KHA will perform the services described in *Tasks 1-6* in the Scope of Services for a lump sum fee of \$50,000 as budgeted as follows, unless mutually agreed that City Staff will prepare and complete a task or portion of a task identified in the Scope of Services:

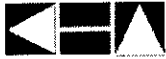
Task 1 – Data Collection	\$ 6,000
Task 2 – Evaluation and Appraisal Report	\$ 36,000
Task 3 – Planning Commission EAR Draft	\$ 2,000
Task 4 – Draft EAR Production	\$ 2,000
Task 5 – DCA-generated EAR Revisions	\$ 2,000
Task 6 – EAR Adoption Draft	\$ 2,000
TOTAL	\$ 50,000

KHA will provide the services described in the *Task 7* of the Scope of Services on a labor fee plus expense basis.

Labor fee will be billed on an hourly basis according to the rate schedule contained in the Master Contract. As to these tasks, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. An amount will be added to each invoice to cover certain other expenses as to these tasks such as in-house duplicating, local mileage, telephone calls, facsimiles, postage, and word processing. All permitting, application, and similar project fees will be paid directly by the Client.

Fees will be invoiced monthly based, as applicable, upon the percentage of services completed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 25 days of the date of the invoice.

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CLOSURE

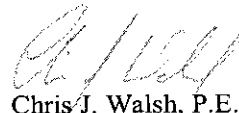
In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms, conditions and hourly rates contained in the Master Contract.

We appreciate the opportunity to provide these services to you and the City of Port Orange. If you agree with the provisions outlined above, please issue a work order or other executable agreement. Fees and times stated in this Scope of Services are valid for sixty (60) days after the date of this letter.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.


Richard W. Mercer
Senior Vice President


Chris J. Walsh, P.E.
Project Manager

K:\TPTO\Proposals\2007-09-11 Penelope Cruz Citys EAR Proposal.doc

Agreed to this ____ day of _____, 2007.

CITY OF PORT ORANGE

By: _____

Title: _____

(Please print name)

(Please print name) Witness