



| JAYCEE PARK FINAL CONCEPT
P3 PROPOSED AGREEMENTS
CITY COUNCIL MEETING
AUGUST 21, 2024

Jaycee Park Improvements – Quick Recap

- A. RFP issued in March 2022 for design of the Jaycee Park Improvements.
- B. City selected Pennoni Associates Inc. in May 2022 to provide design and engineering services. Prior to negotiating a contract, City staff and Pennoni developed initial concept to present to City Council.
- C. Initial Concept for Jaycee Park presented at City Council Winter Retreat in January 2023.
- D. City staff brought Pennoni contract for design and engineering Pennoni to City Council on May 3. Council gave approval to proceed pending public involvement meetings.
- E. City staff conducted public involvement activities:
 - 1. Open House at Mercola Market on August 31 (217 attendees)
 - 2. Online community survey to solicit feedback on various park amenities for Jaycee (1,495 participants)
- F. Feedback received from Open House and Online Survey presented to City Council at Committee of the Whole meeting on September 13.
- G. Council Approved Resolution on October 18 to Begin Design Work

Jaycee Park Improvements – Unsolicited P3

- A. On November 17, City received an unsolicited P3 Proposal from Fortress Secured. The proposal was deemed a “qualified” proposal according the requirements of Section 255.065 of Florida Statutes.
- B. Per the requirements of Section 255.065 of the Florida Statutes, the City published the Notice of Receipt of an Unsolicited P3 Proposal for Jaycee Park Improvements on January 3 and January 10, 2024 in the News-Press. The notice also was placed in the Florida Administrative Register on January 2 and January 9 as required. The deadline to submit competing proposals was January 26, 2024. No competing proposals were received.
- C. On February 15, the City had kick-off meeting with the P3 group. Key members of P3 team began participating in weekly update meetings with the City and Pennoni on February 16.
- D. On July 1, 2024, new provisions in Section 255.065 became effective and required additional steps in the process.

Why Use the Public Private Partnership (P3) Delivery Process

1. On Time and On Budget
P3 Benefits that other procurement processes lack.
2. Cost Certainty
A P3 contracting approach provides Cape Coral with cost certainty with a Not to Exceed amount.
3. Accountability – One Team
The public sector looks to the P3 team leader to be the single point of accountability for all aspects of delivery, including finance (if needed), operations and maintenance.
4. Greater Innovation
By incorporating the Design, Construction and Cape Coral Teams, the P3 allows the partners to work as a team to optimize project performance standards and out come, thus greatly enhancing the public asset through private sector innovation.

Why Use the Public Private Partnership (P3) Delivery Process

5. **Assured Quality Project**
The P3 team along with the City of Cape Coral are part of the design and build team. The team provides operations and maintenance over the contract term, uses an integrated, life cycle approach to optimize asset performance long term.
6. **Accelerated Delivery**
Because of integrated delivery and single point of accountability, the P3 process will deliver the Jaycee Park project much sooner than traditional design/bid/build approaches.
7. **Public Ownership and Control**
By using the P3 process, Cape Coral never loses ownership or control of the Jaycee Park improvement project. The P3 contract guarantees the condition of the project upon delivery and at the end of the contract term.
8. **Local Job Creation**
Use of the P3 process creates jobs in the local economy. The Cape Coral Jaycee Park project is a prime example of using local and regional talent. By accelerating the delivery of improvements to Jaycee Park it simultaneously results in accelerated local job growth.
9. **Payment for Performance**
With the P3 process and the associated concessionaire's agreement the City of Cape Coral can benefit directly through revenues generated by the project based on outcome indicators and performance standards agreed to in the contract documents.

P3 vs. Typical Timeline

P3



Typical



P3 Proposal

Public Purpose of Project

- I. Benefits of the Project to the Public
 - a. The Jaycee Park Improvements Project addresses several deficiencies identified pertaining to Jaycee Park in the 2016 Parks Master Plan
 - i. Replant native trees, active facilities (volleyball, splash pad)
 - ii. Upgrade existing playground and bathrooms
 - iii. Open mike nights, café within park
 - iv. Improve water access
 - b. The Jaycee Park Improvements address concerns and recommendations provided in the ULI Report
 - i. Imperative as “waterfront city” to find places for citizens to enjoy the water’s edge. For a city with so much waterfront, astonishing little waterfront access for the public.
 - ii. The ULI panel was encouraged about plans to have new and improved waterfront access at Jaycee and the Yacht Club. ULI recommended we layer several dimensions into these spaces.
 - c. The Jaycee Park Improvements bring compliance with the State of Florida’s ban on invasive Australian pines by removing these exotics from the park.

P3 Proposal

Public Interest Determination

1. The benefits to the public.

The proposed enhancements reflect recommendations made in the Parks Master Plan and the ULI Report. These improvements will allow for greater access to Jaycee Park and will provide expanded scenic views of the waterfront for the citizenry to enjoy. Additional amenities will be provided such as a bandshell, a food truck court, a refreshment hub, an “inclusive” playground and splash pad, and covered pavilions and boardwalk. Improvements to ingress and egress will provide safer environment for both vehicle traffic and pedestrians. Environmental enhancements include the removal of invasive exotic trees and restoration of the natural ecosystem of the shoreline.

2. The financial structure of and the economic efficiencies achieved by the proposal.

The Fortress proposal and the resulting Comprehensive Agreement offer the City a path forward for completing the Jaycee Park Improvements at a lower cost and with reduced risk to the City. Fortress is proposing to deliver the Project using a Not to Exceed Price delivery method, which shifts risks for cost overruns and construction delays from the City to Fortress. In addition, transferring construction management and administration responsibilities to the Fortress team, which has experience in developing government facilities will enable the City to complete the Project efficiently and timely, without compromising quality or safety.

3. The qualifications and experience of the private entity that submitted the proposal and such entity’s ability to perform project.

The Fortress proposal outlines the breadth and quality of its experience, including highlights of the various park projects that are currently underway and summaries of facilities delivered to various governmental entities by the Fortress Team including improvements to Laishley Park & Marina (Punta Gorda), South County Regional Park (Punta Gorda), Ann & Chuck Dever Regional Park (Charlotte County), Sunseeker Resort (seawall and riverwalk), Crest Lake Park (City of Clearwater), Hercules Park (City of Zephyrhills), and Rowena Park (Plant City). The experience of the Fortress Team includes development of other types of governmental facilities as well, including the Southwest Water Reclamation Facility Operations / Maintenance Building (City of Cape Coral), Fire Station No. 83 (Fort Myers Shores), and Naples Classical Academy (Naples).

4. The project’s compatibility with regional infrastructure plans.

Over the past several years, the City of Cape Coral has conducted numerous assessments of its park system and the park systems in the Southwest region of Florida. Through these assessments and discussions, the City has concluded that Jaycee Park Improvements constitute a qualified project consistent with other regional projects and regional infrastructure plans.

P3 Proposal

Public Interest Determination

5. Public comments submitted at the meeting.

Over the past two years, there has been much discussion about the future of Jaycee Park. During City workshops and strategic planning sessions, it was determined Jaycee Park was underutilized and in need of sitewide improvements. The plan was to redesign Jaycee Park to celebrate majestic waterfront views and enhance amenities to appeal to all Cape Coral citizens. The City hired a consultant to develop a concept for the park and hosted two community meetings. The City solicited public feedback via surveys, emails and regular input at the weekly Council meetings.

Recurring comments from the public ranged from “do nothing” and “leave our park alone” to some focused on specific amenities. Many of these comments have been addressed publicly and/or individually. The City has specifically addressed a majority of these comments by the action taken to make modifications to the design. These modifications include:

Shade at Park: The City and design team have gone to great lengths to ensure that not only will there ultimately be more tree shade than currently at the park but several of the amenities will have shade features added to them.

Bar/Bandshell: The P3 group is fully behind the City's vision of creating a Family Park. As such, the P3 group and City reduced the footprint of the initial structures and downsized both to accommodate the vision of the community.

Sale and Consumption of Alcohol: The City and Concessionaire agreed to a designated concession area with an established perimeter where the sale and consumption of alcohol is permitted at the park.

Food Trucks: The City and Concessionaire agreed to reduce the number of permanent food truck by one-third and ensure all applicable City policies, ordinances and procedures are followed.

Family Friendly: The community wanted a family-friendly park accessible year-round. The design team added a splash pad and an inclusive playground with innovative Sun Shade technology.

Pet Friendly: The community asked for pet friendly components. The design team included pet hydration drinking fountains and misting stations.

P3 Proposal Key Points

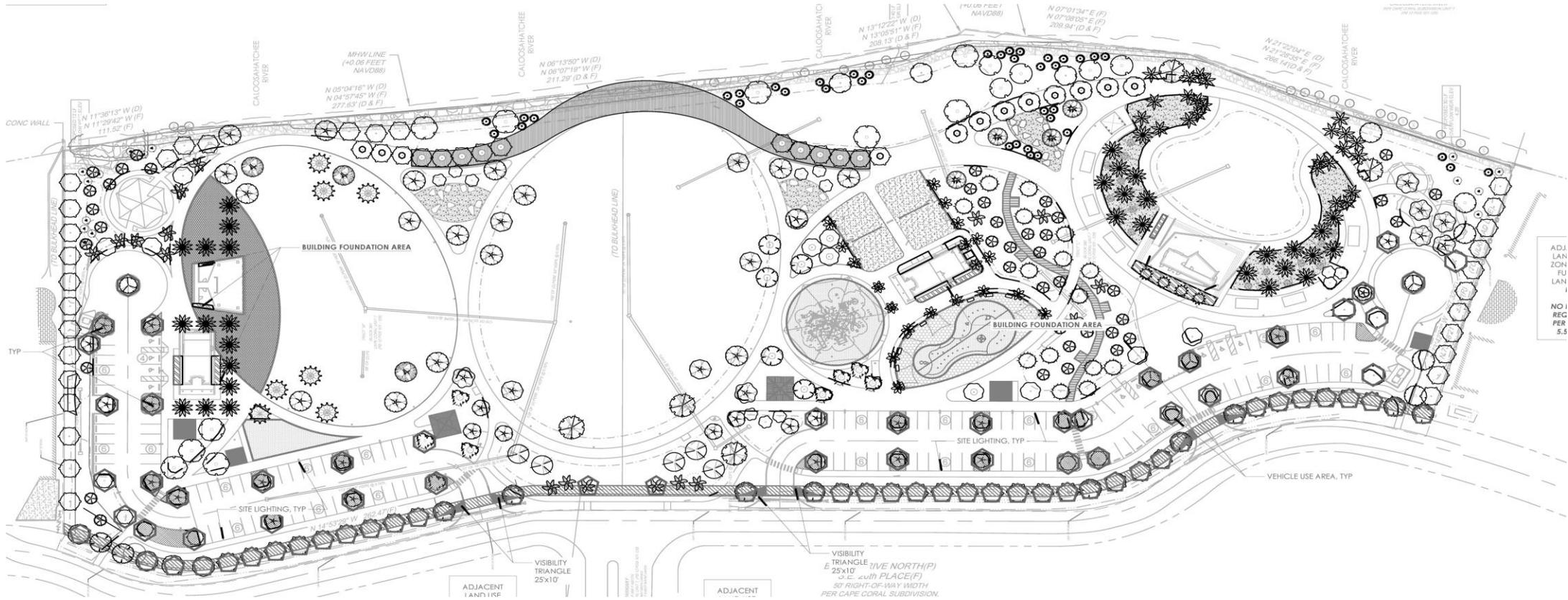
1. Proposal is to build Phase I of the Jaycee Park Improvements Project (Landward Side)
 - a. Target substantial completion within 14 months of start
 - b. Not to Exceed Price
 - c. City and Fortress share in cost savings

2. Proposal includes a Private Investment Component
 - a. Black Diamond Real Estate Group
 - b. Investment amount: \$1,370,488
 - c. Investment team is requesting a separate concessionaire agreement to manage and operate the food truck and “*The Reef*.”
 - d. Concessionaire agreement provides revenue-sharing opportunity for City

3. P3 Team is comprised of Local Partners
 - a. Fortress Secured – Tom Iarossi (Fort Myers)
 - b. Florida Premier Construction (Charlotte County)
 - c. ADG Architecture (Fort Myers)
 - d. Black Diamond Real Estate Group – Mike Amato, Stephen Soloway (Cape Coral)

Final Concept

Cost Estimate: \$16 - \$18 million



Jaycee Park Final Concept Phase I – Landward Side

Cost Breakdown by Category

I.	Actual Project Construction	\$13.7 million
II.	Insurance, Bonds, Permitting, Mobilization, Scheduling	\$ 1.9 million
III.	Construction Management, Contingency, Administration Fees	\$ 2.4 million

Jaycee Park Final Concept

Cost Breakdown

Category I: Actual Project Construction

I. Major Subcategories

Sitework, Utilities, Paving	\$3.3 million
Amenities	\$2.9 million
Landscaping & Irrigation	\$2.6 million
Electrical	\$2.2 million
<i>(Site Lighting: \$900,000)</i>	
Overlook and Memorial Boardwalks	\$1.1 million
Site Furnishings	\$1 million

II. Vertical Construction (Amenities/Site Furnishings)

Pavilions	\$434,000
Restroom (Lg.)	\$650,000
Bandshell	\$639,000
<i>The Reef</i>	\$900,000
Playgrounds	\$606,000
Splash Pad	\$734,000

Jaycee Park Final Concept

Financing Breakdown

Total Project Construction NTE: \$18 million

1.	Private Contribution	\$ 1,370,488
2.	Park Impact Fees	\$ 639,000
3.	Tree Grant	\$ 200,000
4.	Parks (North Playground)	\$ 75,000
5.	Pro Parks Support	\$ 25,000
6.	Debt Funded	\$15,772,119*

- a. *Jaycee Park debt service is included in the FY 2025 budget with annual payments to begin in FY 2026*
- b. *City will utilize commercial paper with “interest only” payment for expenditures in FY 2025 prior to debt issuance*
- c. **Debt service example: \$16 million = \$1.2 million annually*
 - i. *Debt amount is conservative example only. Project NTE expected to be less after 100% design. Also, additional grants such as those listed below will reduce amount of debt required.*
 - ii. *Annual debt service will be lower with expected rate reductions occurring prior to City’s issuance of debt for FY 2026.*

Pending Grants**

1.	Kiwanis Club	\$ 50,000
2.	Better Cities for Pets	\$ 20,000
3.	Partner Grant for Main Playground	\$ TBD

***City will identify and continue to seek additional available grant funding opportunities.*

Concessionaire's Agreement

Main Points

1. Black Diamond Real Estate Group (Mike Amato and Steve Soloway) will operate *The Reef* and Food Court
 - a. They are providing \$1,370,488 private investment in Jaycee Park project.
 - b. They will own and operate four food trucks.
 - i. Two remaining available food truck sites will be used for special events/occasions.
 - c. The team intends to host family-oriented events throughout the year.

2. Goal of Partnership: Offer Affordable Destination for Cape Coral Families + Give Back to Community
 - a. Owning and operating food trucks can ensure reasonable costs of operation.
 - i. Lower costs of operation will provide affordable food options for Cape Coral residents
 - b. They have agreed to donate 2% of “net profits” to Guardian Angels for Special Populations.

3. Hours of Operation
 - a. 11 a.m. – 9 p.m. daily
 - b. Closed on specific holidays
 - c. Extended hours on special occasions (with advance approval of City Manager or designee)

4. Sale and Consumption of Alcohol
 - a. “Wet Zone” established around perimeter of the concession area. No alcohol consumption permitted outside this zone.
 - b. Remainder of the park will be a “Dry Zone.” No alcohol allowed in this area.
 - c. “Wet Zone” area may expand during special events with approval of the City Manager or designee.

Jaycee Park

Revenue-Sharing Opportunities and Projections

1. **The Reef**

- a. Guaranteed Monthly: \$6,250
- b. Gross Receipts share from food trucks and Reef up to \$500,000 in sales: 4%
- c. Gross Receipts share from food trucks and Reef over \$500,000 in sales: 2.5%
- d. Estimated annual revenue to City (based on \$1.5 million sales): \$120,000
- e. Estimated revenue two “guest” trucks (\$350 ea./Weekend Day): \$36,400 with City 50/50 share at \$18,200
- f. City and Concessionaire will revisit share agreement after two years of sales experience

2. **Pavilion Rentals**

- a. Five pavilions based on 80 full-day rentals ea. annually: \$26,400
 - i. Half-Day Rental Range: \$35 - \$50; Full-Day Rental Range: \$50 - \$80
- b. Band shell rental based on 12 rentals annually: \$1,800
 - i. Suggested Rental Rate: \$150 for 4 hours

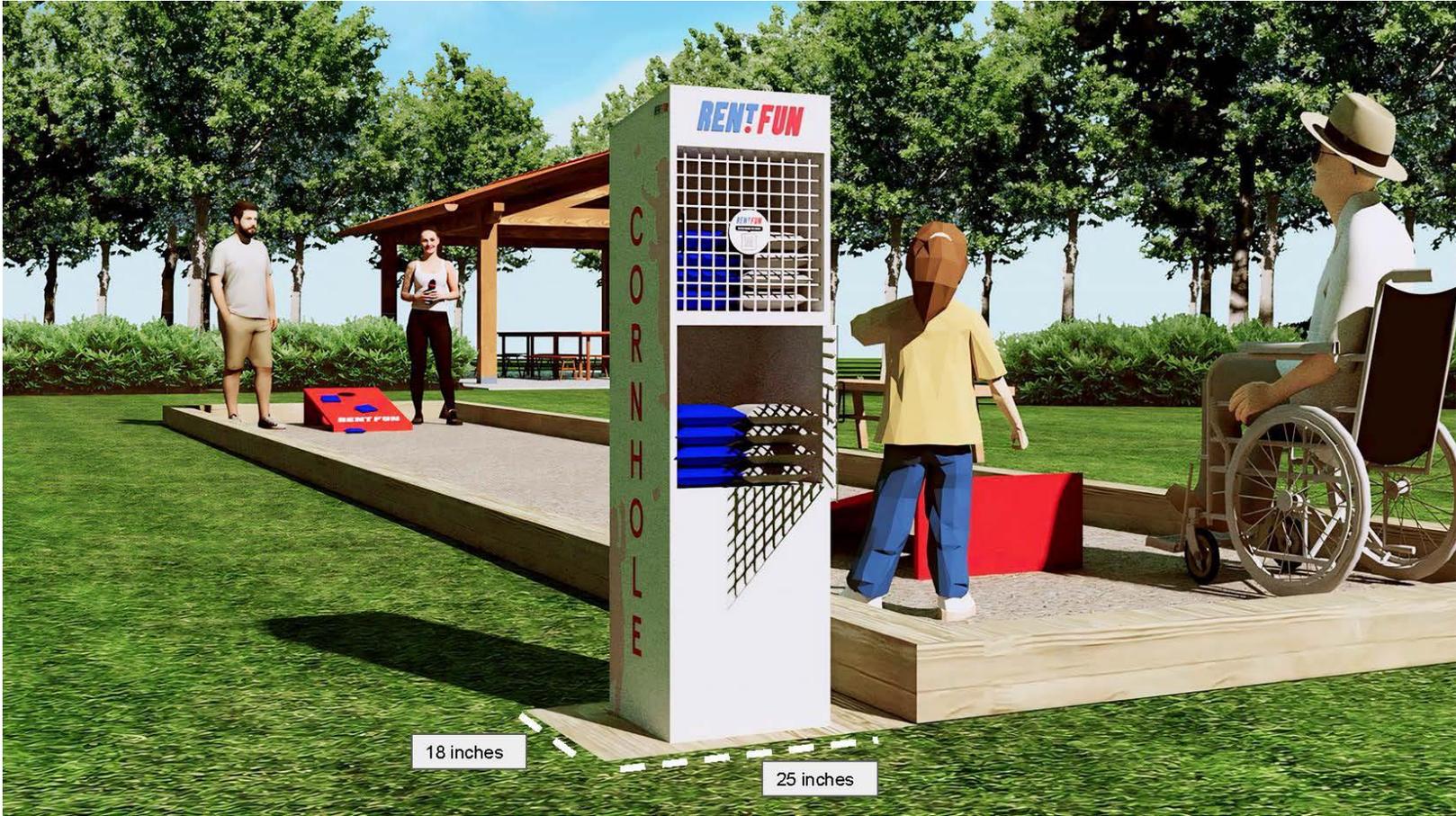
3. **Kiosk Rentals for Volleyballs, Cornhole Bags, Ping Pong Paddles/Balls**

- a. Vendor provided kiosks with 50/50 revenue share
- b. Two beach volleyball courts, two cornhole lanes, two ping pong tables
- c. Six available sites based on 832 hours of rental per site annually (4,992 hours)
- d. Total estimated revenue (\$7.50 per hr.): \$37,440 with City 50/50 share at \$18,720

4. **Total Estimate Annual Revenue: \$185,120**

Jaycee Park

Revenue-Sharing Opportunities and Projections



Questions

