

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: April 6, 2010

Consent Regular
 Ordinance Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) approve** Third Amendment to Grant Agreement with the Palm Beach Metropolitan Planning Organization (MPO) to increase funding from \$100,000 to \$130,000 for funding of the design, permitting, and construction of a water taxi facility at DuBois Park; **B) approve** a Budget Transfer of \$30,000 in the Metro Planning Organization Fund for PBC Water Taxi Facilities from Contributions to Other Governmental Agencies to transfer to Park Improvement Fund 3600; and **C) approve** a Budget Amendment of \$30,000 in the Park Improvement Fund to recognize the transfer from the Metro Planning Organization Fund.

Summary: On September 9, 2008, the Board approved a Grant Agreement (R2008-1526) with the MPO for \$100,000 for construction of a water taxi facility at DuBois Park, and authorized the County Administrator or his designee to execute all future time extensions, task assignments, minor amendments, and other necessary forms and certifications during the term of the Grant Agreement that do not change the amount of funding, scope of work, or terms and conditions of the Agreement and for the Director of the Parks and Recreation Department to serve as Liaison Agent with the MPO for this project. Two Amendments were subsequently entered into for this Agreement and executed by the Director of the Parks and Recreation Department serving as Project Liaison. These two Amendments extended the project completion date to December 31, 2009, and December 31, 2010, respectively, and clarified dates by which grant funds must be expended, invoices must be submitted for reimbursement, and when the water taxi docks must be completed and opened to the public. The Third Amendment is being presented to the Board for signature because it increases the funding amount of the grant from \$100,000 to \$130,000. The estimated project cost for the water taxi facility is \$130,000. No match is required for this grant. Funding is from the U.S. Department of Transportation, Ferry Boat Discretionary Program, through the State of Florida Department of Transportation, and is administered by the Palm Beach MPO. District 1 (AH)

Background and Justification: The water taxi facility at DuBois Park will replace one of four existing docks at Zeke's Marina with a six-foot wide ADA compliant gangway leading to a 10' wide by 34' long floating dock. Water taxis using the DuBois Park docking facilities will provide riders an alternative means of transportation for access to DuBois and Jupiter Beach parks for picnicking, fishing, beach access and snorkeling. The water taxi project is a part of the larger DuBois Park Marina and Shoreline Stabilization Project. The Grant Agreement requires County to maintain the water taxi facility and guarantee it is open and accessible to the public as a water taxi facility for no less than ten years or until March 31, 2021.

Attachments:

- 1. Third Amendment to Grant Agreement
- 2. Budget Transfer
- 3. Budget Amendment

Recommended by:
Department Director

3-15-2010
Date

Approved by:
Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>30,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>(30,000)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE POSITIONS (Cumulative) 0 * see below - _____

Is Item Included in Current Budget? Yes ___ No X
 Budget Account No.: Fund ___ Department ___ Unit ___
 Object ___ Program N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

FUND: Metro Planning Organization
 UNIT: PBC Water Taxi Facilities

Tr To Park Imprv Fd 3600 1360-820-5648-9184 \$30,000

C. Departmental Fiscal Review: Chapelakis

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

* There is no fiscal impact on this item.

[Signature]
 OFMB
 3/18/10 VA
 3/18/2010
 3/18/10

[Signature] 3/25/10
 Contract Development and Control
 E Jones 3/24/10

B. Legal Sufficiency: [Signature] 3/18/10

This amendment complies with our review requirements.

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

**THIRD AMENDMENT TO
GRANT AGREEMENT
BY AND BETWEEN
PALM BEACH METROPOLITAN PLANNING ORGANIZATION
AND
PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
(RELATING TO DUBOIS PARK DOCK)**

THIS THIRD AMENDMENT is made and entered into this ____ day of _____, 2010, by and between the Palm Beach Metropolitan Planning Organization, a Florida body politic created pursuant to Chapters 163 and 339, F.S. (hereinafter referred to as the "MPO") and Palm Beach County, a political subdivision of the State of Florida, by its Director of the Department of Parks and Recreation (P&R) for the Palm Beach County Board of County Commissioners (hereinafter referred to as the "Grantee").

WITNESSETH

WHEREAS, on September 9, 2008, the parties entered into a Grant Agreement (Agreement) under which the MPO agreed to make certain grant funds the MPO was eligible to receive under a Joint Participation Agreement (JPA) with Florida's Department of Transportation (FDOT) for the creation of a countywide water taxi transit system, available to Grantee for the purpose of reimbursing Grantee, up to an amount not to exceed \$100,000.00, for certain costs the Grantee would incur in the design, permitting and construction of improvements to an existing water taxi docking facility located in the DuBois Park Public Use Facility in Palm Beach County, Florida; and

WHEREAS, on the 15th of May 2009, the parties amended the Agreement to extend the completion date for the improvements to the water taxi docking facility and other related improvements to December 31, 2009, and thereafter amended the Agreement a second time to extend the completion date to December 31, 2010, and establish March 31, 2011, as the date the Facility would be open and accessible to the public; and

WHEREAS, the Grantee has advised the MPO that the cost to complete the improvements to the water taxi docking facility and bring it into compliance with Federal regulations will exceed the original grant amount and the Grantee has requested that the grant be increased to \$130,000.00; and

WHEREAS, the MPO has determined that it has sufficient funds available that can be used to increase the grant funds made available to the Grantee to a total grant amount of \$130,000.00.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants, and obligations set forth herein, the MPO and the Grantee agree as follows:

1. That Attachment B. Project Budget attached to the Agreement is replaced with a new attachment identified as "Attachment B. Revised Project Budget" which is attached to this Third Amendment. "Attachment B. Revised Project Budget" contains the revised project budget for the Project.
2. That Section 5. The Project, of the Agreement is amended to provide as follows:

Section 5. **The Project:** The MPO has entered into a JPA with FDOT under which FDOT has agreed to provide Ferry Boat Discretionary Program (FBD) funds to the MPO to be used to assist with the first phase of a Countywide system to link cities by way of an integrated water taxi transit system. The Grantee has requested a grant of the FBD funds to be used to design, permit, and construct a docking facility at the DuBois Park site located in Jupiter, Florida (also referred to herein as the "Facility") as further described in Attachment A, Project Description, attached to the Agreement, as modified by "Attachment B. Revised Project Budget," attached to this Third Amendment. The MPO will make available up to One Hundred Thirty Thousand Dollars (\$130,000.00) in grant funds to be used to reimburse the Grantee for permissible Project expenses related to the design, permitting, and construction of the improvements to the Facility in accordance with "Attachment B. Revised Project Budget," attached to this Third Amendment. The Grantee shall utilize such grant funds in accordance with the terms and conditions of this Agreement, and all Federal State and local laws, rules and regulations that are applicable to the Project.

3. That Paragraph A of Section 8. Project Cost, Reimbursement and Submittal of Invoices, is amended to provide as follows:

A. The MPO will make up to One Hundred Thirty Thousand Dollars (\$130,000.00) in grant funds available to the Grantee, on a cost reimbursement basis. These funds shall be used by the Grantee solely for certain allowable expenses incurred by the Grantee in the performance of the Project. The MPO shall not reimburse Grantee for any expenses incurred by the Grantee prior to the Grantee having obtained all permits needed to commence and complete the work.

4. That Section 9. Grantee's Contribution, is amended to provide as follows:

Section 9. **Grantee's Contribution:** There is no local match required of the Grantee for this Project. Grantee acknowledges and agrees, however, that it is responsible for and will fund all costs to complete the Project in excess of the \$130,000.00 granted hereunder. In addition, Grantee is responsible for all of the ongoing costs and expenses of maintaining and operating the Facility and related improvements. Grantee shall insure that the Facility and related improvements are open and accessible to the public and used for the provision of water taxi services as contemplated in this Grant Agreement for a period of no less than ten (10) years and that the Facility, related improvements, and all means of access, ingress and egress thereto, are well maintained and operated in conformity with all Federal, State and local laws, rules and regulations.

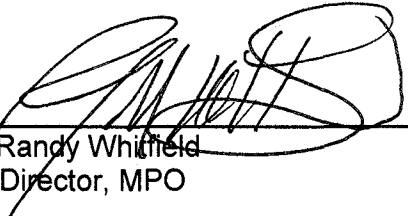
5. This Third Amendment shall take effect upon execution by the parties.
6. Except as amended herein, all other terms of the Agreement, as previously amended, are hereby confirmed and shall remain in full force and effect.

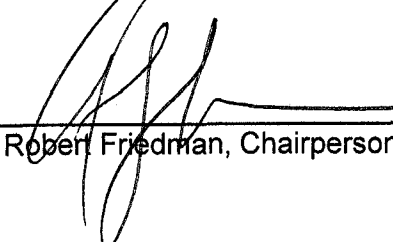
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IN WITNESS WHEREOF, the Grantee and MPO have hereunto set their hands to this Third Amendment on the day and year above written.

Attest:

Palm Beach Metropolitan
Planning Organization

By: 
Randy Whitfield
Director, MPO

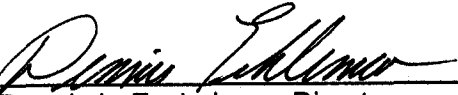
By: 
Robert Friedman, Chairperson

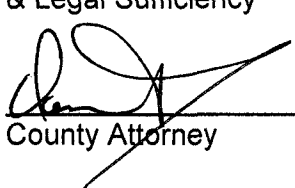
Approved as to Form
& Legal Sufficiency

Palm Beach County, Florida, for its
Board of County Commissioners, by its
Director of Parks and Recreation

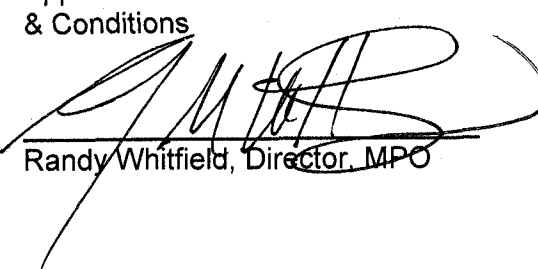
County Attorney
~~Approved as to Terms
& Conditions~~

(P&R)

By: 
Dennis L. Eschelman, Director
Parks & Recreation **Eshleman**

Approved as to Form
& Legal Sufficiency


County Attorney

Approved as to Terms
& Conditions


Randy Whitfield, Director, MPO

**Attachment B.
Revised Project Budget**

ATTACHMENT B

County: Palm Beach, Florida

Date: 1/27/10

Location: Zeke's Marina

Project Name: Zeke's Marina Water Taxi Landing Site (DuBois Park)

Cost Estimates

Construction Costs

Design, Permits, Surveys, Engineering	\$ 15,000
Basin Excavation and Hauling of Materials	\$ 25,000
Floating dock	\$ 69,300
Gangway	\$ 10,700
Project Management	<u>\$ 10,000</u>
Totals	\$130,000

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT**

BGRV 581 030810*236
BGEX 581 030810*939

FUND 3600 - PARK IMPROVEMENT

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 03/08/10	REMAINING BALANCE
REVENUES								
3600-581-P605-8065	Tr Fr MPO Fd 1360	100,000	100,000	30,000		130,000		130,000
TOTAL RECEIPTS & BALANCES		9,809,163	10,129,944	30,000		10,159,944		
APPROPRIATIONS								
3600-581-P605-6506	IOTB - Infrastructure	600,000	600,000	30,000		630,000		630,000
TOTAL APPROPRIATIONS & EXPENDITURES		9,809,163	10,129,944	30,000		10,159,944		

Signatures

Date


By Board of County Commissioners

At Meeting of

April 6, 2010

Deputy Clerk to the Court

Parks and Recreation Department
INITIATING DEPARTMENT/DIVISION



3-10-10

Administration/Budget Department Approval

OFMB Department - Posted

2010 -

BGEX -560-0309100000000000943

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

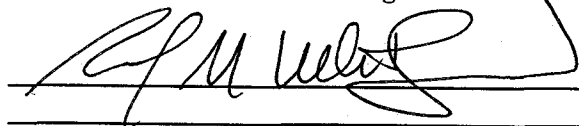
BUDGET TRANSFER
Fund 1360 Metro Planning Organization

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENC/EXP 3/9/2010	REMAINING BALANCE
<u>Appropriations</u>							
<u>PBC Water Taxi Facilities</u>							
560-5648 8101- Contributions Othr Govtl Agency	393,500	477,814	0	30,000	447,814	285,173	162,641
<u>PBC Water Taxi Facilities</u>							
820-5648 9184 - Tr To Park Imprv Fd 3600	100,000	100,000	30,000	0	130,000	0	130,000
			30,000	30,000			

Signatures & Dates

Metropolitan Planning Organization

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

 3/9/2010

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF
April 6, 2010

Deputy Clerk to the
Board of County Commissioners