

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 8, 2010

(X) Consent

☐ Regular

() Workshop

☐ Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) receive and file an original document for the Department of Environmental Resources Management (ERM) for Amendment No. 3 to the Metropolitan Planning Organization (MPO) Agreement No. R2008-1507 to increase project funds by \$30,000 for the construction of a water taxi docking at the Snook Islands Public Use Facility;

B) receive and file an original document for ERM for Amendment No. 3 to the MPO Agreement No. R2009-0114 to increase project funds by \$30,000 for the construction of a water taxi docking at the Juno Dunes Natural Area;

C) approve a Budget Transfer of \$60,000 in the MPO Fund from Palm Beach County Water Taxi Facilities to the Environmental Resources Capital Projects Fund;

D) approve a Budget Amendment of \$60,000 in the Environmental Resources Capital Projects Fund to recognize the revenue from the two MPO Project Agreements.

Summary: The BCC approved Grant Agreements R2008-1507(Delegation of Approval Authority memo was signed by the County Administrator on September 9, 2008) and R2009-0114 (Delegation of Approval Authority memo was signed by the County Administrator on May 4, 2009) with MPO to cover a portion of the costs of the Snook Islands Public Use Facility and Juno Dunes Natural Area Water Taxi Docks, respectively. Under the terms of these Grant Agreements, MPO will reimburse up to \$130,000 project costs for each project. A budget transfer and amendment are necessary to apply the additional MPO funding towards these projects. No matching funds are required. Districts 1 & 3 (SF)

Background and Justification:

On September 9, 2008 the BCC approved Grant Agreement R2008-1507 with MPO to cover a portion of the costs for the Snook Islands Public Use Facility Water Taxi Dock. On January 13, 2009, the BCC approved Grant Agreement R2009-0114 with MPO to cover a portion of the costs for the Juno Beach Natural Area Water Taxi Dock. MPO has agreed to provide an additional \$30,000 for each project to be used to cover costs in compliance with Federal regulations.

Attachments:

1. Amendment No. 3 to the MPO Agreement No. R2008-1507
2. Amendment No. 3 to the MPO Agreement No. R2009-0114
3. Budget Transfer (1360)
4. Budget Amendment (3654)

Recommended by:

Department Director

Date _____

Approved by:

County Administrator

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<60,000>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<60,000>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? (Match) Yes _____ No X
Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

C.F.D.A. #20.000 Federal Department of Transportation, Ferry Boat Discretionary Program.

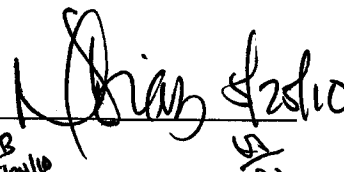

Funding for this project is already committed and approved by the Board. The additional revenues obtained from these grant agreements will cover potential additional costs to bring projects in compliance with Federal regulations

C. Department Fiscal Review:



III. REVIEW COMMENTS

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

OFMB  5/22/10
Contract Dev. and Control  5/25/10

B. Legal Sufficiency:

 6-1-10
Assistant County Attorney

C. Other Department Review:


Department Director

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

THIS THIRD AMENDMENT is made and entered into this 18th day of MAY, 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 Environmental Resources Management (ERM) 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 on Snook Island, in Palm Beach County, Florida; and

WHEREAS, on the 8th 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 Snook Island site located in Lake Worth, 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:

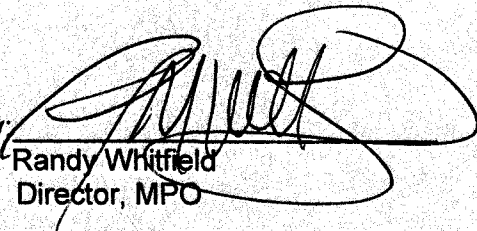
Section 9. Grantee's Contribution: There is no local match required of the Grantee for this Project. Grantee acknowledges and agrees, however, that it is responsible for and will fund all costs to complete the Project in excess of the \$130,000.00 granted hereunder. In addition, Grantee is responsible 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.

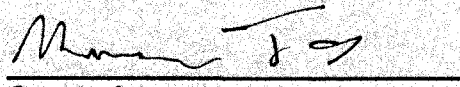
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IN WITNESS WHEREOF, the Grantee and MPO have hereunto set their hands to this Third Amendment on the day and year above written.

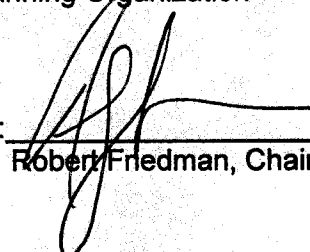
Attest:

By: 
Randy Whitfield
Director, MPO

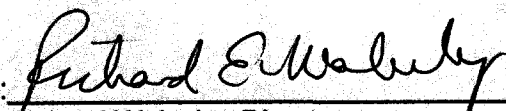
Approved as to Form
& Legal Sufficiency


County Attorney

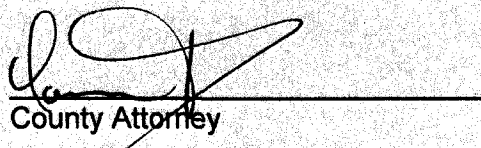
Palm Beach Metropolitan
Planning Organization

By: 
Robert Friedman, Chairperson

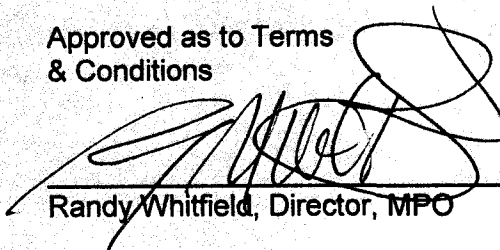
Palm Beach County, Florida, for its
Board of County Commissioners, by its
Director of Environmental Resources Management

By: 
Richard Walesky, Director
Environmental Resources Management

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: 1/27/2010

Location: Snook Islands Natural Area (City of Lake Worth)

Snook Islands Public Use Facility (Includes the Proposed Water Taxi Docks)

Cost Estimates

Pre-Construction Costs

Design, Permits, Surveys, Engineering	\$ 100,000
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Construction Costs

Mobilization	\$ 60,000
Removal of Old Bridge & Construct Artificial Reef	\$ 225,000
578' Boardwalk & 662' Fishing Pier	\$ 632,400
15' x 15' Gazebo and Environmental Kiosks	\$ 54,750
Floating Boat Docks	\$ 102,000
3 Ramps to Floating Boat Docks	\$ 45,000
Project Management	<u>\$ 60,000</u>
Totals	\$1,279,150

Work Associated with the Water Taxi Docks

Design, Permits, Surveys, Engineering	\$ 15,000
Mobilization	\$ 5,000
200' Portion of Pier to Connect Land to Docks	\$ 102,000
Floating Boat Docks	\$ 102,000
3 Ramps to Floating Boat Docks	\$ 45,000
Federal Guideline Compliance	\$ 30,000
Project Management	<u>\$ 5,000</u>
Water Taxi Totals	\$ 304,000

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

THIS THIRD AMENDMENT is made and entered into this 18th day of MAY, 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 Environmental Resources Management (ERM) for the Palm Beach County Board of County Commissioners (hereinafter referred to as the "Grantee").

WITNESSETH

WHEREAS, on January 13, 2009, 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 Juno Dunes Natural Area, Palm Beach County, Florida; and

WHEREAS, on the 2nd of September, 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 to bring it in 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.

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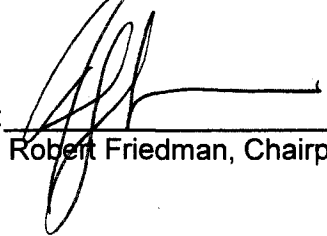
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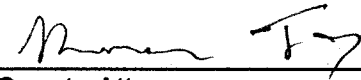
Attest:

By: 
Randy Whitfield
Director, MPO

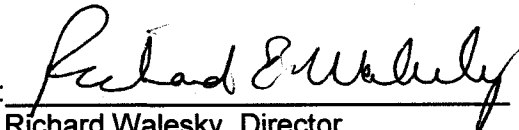
Palm Beach Metropolitan
Planning Organization

By: 
Robert Friedman, Chairperson

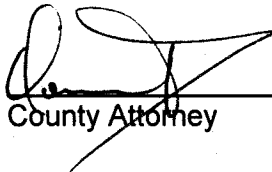
Approved as to Form
& Legal Sufficiency


County Attorney

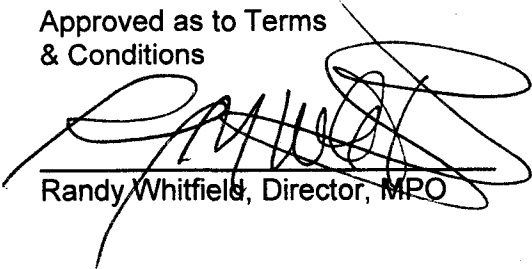
Palm Beach County, Florida, for its
Board of County Commissioners, by its
Director of Environmental Resources Management

By: 
Richard Walesky, Director
Environmental Resources Management

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: Juno Dunes Natural Area

Project Name: Juno Dunes Public Use Facility and Wetlands Restoration

Cost Estimates

Pre-Construction Costs

Design, Permits, Surveys, Engineering \$ 95,000

Construction Costs

Mobilization \$ 180,000

Surveys, Clearing, Turbidity Controls \$ 159,000

Basin and Inlet Excavation and Hauling of Materials \$ 997,000

Stone work and Shoreline Stabilization \$ 276,700

Floating Boat Docks \$ 143,000

267' Boardwalk, Kiosk, 2-Story Observation Tower \$ 292,000

Landscaping \$ 101,000

Project Management \$ 134,800

Management and Monitoring \$ 85,000

Totals \$2,463,500

Work Associated with the Water Taxi Docks

Design, Permits, Surveys, Engineering \$ 25,000

Mobilization \$ 50,000

Create Basin and Place Stone \$ 776,700

Boardwalk \$ 183,700

Floating Boat Dock & Finger Piers \$ 143,000

Federal Guideline Compliance \$ 30,000

Project Management \$ 60,000

Water Taxi Totals \$1,268,400

2010 - 09/2

BGEX -380- 042810*1211

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 4/28/2010	REMAINING BALANCE
<u>Appropriations</u>								
<u>PBC Water Taxi Facilities</u>								
560-5648	8101- Contributions Othr Govtl Agency	393,500	447,814	0	60,000	387,814	322,173	65,641
<u>PBC Water Taxi Facilities</u>								
820-5648	9367 - Transfer to Fund 3654	121,126	121,126	60,000	0	181,126	90,709	90,417
				60,000	60,000			

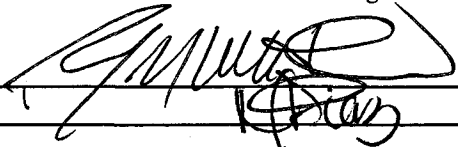
Metropolitan Planning Organization

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Signatures & Dates


5/25/10

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

June 8, 2010

Deputy Clerk to the

Board of County Commissioners

2010 - 09/13

BGEX - 380 - 042810*1213

BGRV - 380 - 042810*302

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT

Fund 3654 Environmental Capital Projects Fund

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED ENCUMBERED BUDGET / Expended 4/28/2010	REMAINING BALANCE
<u>REVENUES</u>							
800-9100 Transfers	8065 Transfer from MPO Fund 1360	121,126	121,126	60,000	0	181,126 90,709	90,417
TOTAL RECEIPTS & BALANCES		17,614,876	20,271,806	60,000	0	20,331,806	
<u>EXPENDITURES</u>							
381-E455 Snook Island Natural Area	6505-Design, Engineering and Mgmt	54,378	54,378	30,000	0	84,378 32,499	51,879
381-E457 Juno Dunes FIND MSA 614B	6505-Design, Engineering and Mgmt	211,096	196,713	30,000	0	226,713 24,607	202,106
TOTAL APPROPRIATIONS & EXPENDITURES		17,614,876	20,271,806	60,000	0	20,331,806	

Environmental Resources

Management

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Signatures & Dates

Richard E. Walchley 5/18/10
Dean 5/28/10

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

June 8, 2010

Deputy Clerk to the

Board of County Commissioners