

9:30 A.M.
Agenda Item #:

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

Meeting Date: November 30, 2010 Consent Regular
 Ordinance Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends the Board approve in concept: a request by the City of Riviera Beach to modify the Interlocal Agreement with the City for renovations and improvements to the City's Marina (R-2007-0349 and R-2009-2012) to revise the scope of the project and extend the deadline for completion.

Summary: The original Interlocal Agreement approved in February 2007 provided \$5 Million in funding for repair and renovation of the existing City Marina. In November of 2009, the Board approved Amendment Number 1 which modified the scope of the project to delete construction of new slips and focus on renovation of existing improvements including the replacement of the fuel tanks, demolition of the dry storage building and replacement with ground stands and temporary rack systems, repair and replacement of fire/water lines and electric service, repairs to finger piers and replacement of pilings, stormwater repairs and renovation of the restroom and shower facilities. The City has completed replacement of the fuel tanks and renovation of the restrooms and showers, and various other minor repairs and is currently seeking reimbursement of \$1.2M of expenditures. The Interlocal Agreement requires that the entire Marina be owned and operated by the City as a public Marina for 30 years. Shortly after approval of the Amendment, the City entered into negotiations with Rybovich and proposed allowing Rybovich to use roughly 1/3 of the Marina (dry storage area) for a commercial boatyard. The City also developed plans to totally replace the existing docks on the remaining 2/3 of the Marina with new floating docks and supporting infrastructure which would require an Amendment to the Interlocal Agreement. Ultimately, a public referendum was passed that required the City Marina to be owned, managed, and operated solely by the City. There are questions surrounding implementation of the referendum language which will take some time to resolve. In the interim, the City has requested that the Interlocal Agreement be amended to revise the scope of the project to encompass total replacement rather than repair of the docks and supporting infrastructure on the 2/3 of the Marina which was not part of the Rybovich deal, and the City is prepared to move forward with that portion of the project. The City is also requesting an extension of the deadline to complete the project to July 2012. Improvements to the remainder of the Marina which the City had proposed to lease to Rybovich will be addressed in future phases of the project. The City will be making a presentation on the revised scope of the project. Staff supports the City's request to revise the scope of the project, but has concerns regarding whether the City may decide to challenge the referendum and what the City may ultimately decide to do with the remaining 1/3 of the Marina. If the Board approves the scope of the restructured project and extension of the completion deadline, Staff will prepare an amendment to the Interlocal Agreement and present same to the Board for approval at a later date. (PREM) District 7 (HJF)

(continued on Page 3)

Attachments:

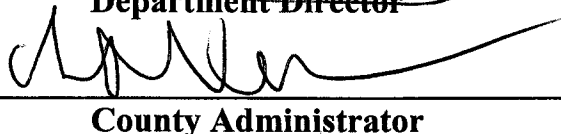
1. Location Map
2. February 27, 2007 Agenda Item
3. November 17, 2009 Agenda Item
4. City's presentation materials

Recommended By:


Department Director

Date

Approved By:


County Administrator

11/29/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*_____</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

* No fiscal impact

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 OFMB
 11/24/10
 11/24/10

 Contract Development and Control
 11/24/10

B. Legal Sufficiency:

 Assistant County Attorney
 11/29/10

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

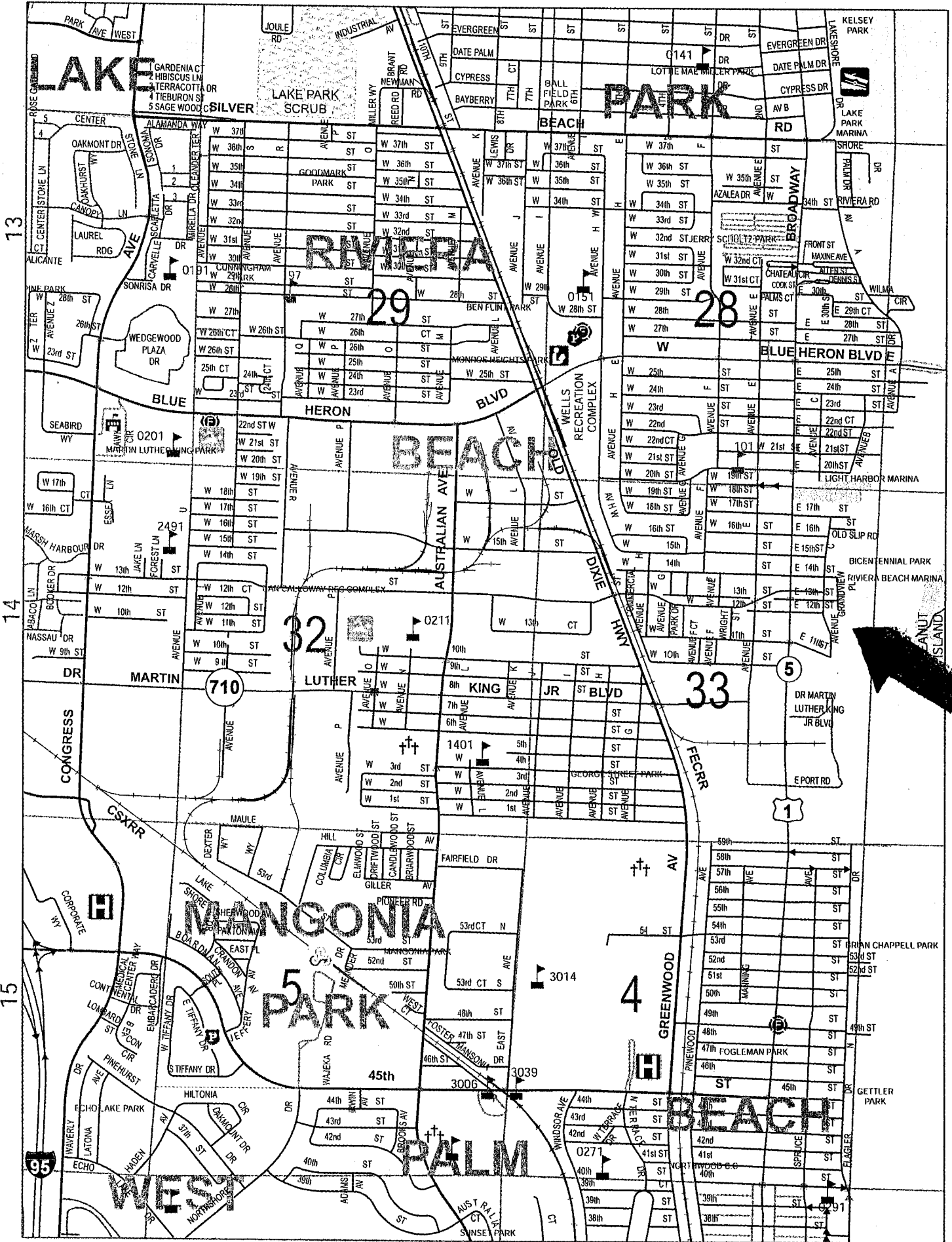
Background and Policy Issues: Attached are the copies of the February 27, 2007 and November 17, 2009 Agenda Items approving the original Interlocal Agreement and Amendment Number 1 thereto, which provide a good overview of the history of this project.

While the project has suffered a number of setbacks, successful implementation of this project would ensure continued and enhanced public access to the waterfront at the largest public marina in the County. Successful implementation would also spur redevelopment of the properties surrounding the Marina.

The Marina improvements are 30+ years old and in need of substantial repairs. Initially, the City proposed to renovate the Marina utilizing the existing docks. However, due to the outdated design, lack of maintenance and further aging of the improvements, the City's consultants are now recommending that rather than repairing/renovating the docks, the City totally replace the existing docks with new floating docks, including new electric and water service and supporting infrastructure. The revised scope does not include any improvements to the area which was proposed to be leased to Rybovich. The overall cost of the project is estimated to be roughly \$8 Million. The City has obtained commitments for \$3.1 Million in additional grant funding from the State and FIND. The City has also obtained permits from DEP for the new docks. The City's consultants estimate that construction could commence in mid-2011 and be completed by December of 2011. The revised scope of the project appears viable and in many respects is an improvement over the initial scope of work. New floating docks will meet current design standards and be much easier to maintain over the long term.

Staff's concern is not with the project as proposed, but rather with continuing questions regarding private use of the Marina for purposes such as proposed by Rybovich. The existing Interlocal Agreement requires that the Marina be owned and managed by the City. Due to the passage of the referendum which also prohibits ownership and management of the Marina by anyone other than the City, it would appear that this issue has been clearly resolved. However, the City has had discussions regarding potential challenge of the referendum and has not clearly announced that they do not intend to challenge the referendum. Additionally, the City has deleted repair of the dry storage building from the scope of the project and has not taken a position on what will happen with the portion of the Marina that was proposed to be leased to Rybovich. Again, the Interlocal Agreement requires the Marina property to be owned and managed by the City as part of the public Marina. Any proposal to use a portion of the Marina for purposes other than as a public marina would require the County's approval. However, in the event the City challenges the referendum there is the potential for the Marina project to become mired in protracted litigation which could further delay completion of the improvements.

The City has spent roughly \$1.2 Million dollars to date on improvements and repairs to the marina. While the costs of replacing the fuel tanks and renovating the bathrooms/showers are clearly eligible expenses, numerous other expenditures are questionable as they appear to be for minor repairs associated with normal operations, as opposed to capital improvements. Staff is currently reviewing these expenditures with the City to determine their eligibility for reimbursement.



LOCATION MAP



PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

5 D-1
K/A 6-0
McGabs
R-2007-0349

Meeting Date: February 27, 2007 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Waterfront Board
Riviera Bch

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) an Interlocal Agreement with the City of Riviera Beach providing funding in an amount not-to-exceed \$ 5,000,000 for improvements to the City Marina; **B)** Budget transfer of \$1,500,000 in the \$50M GO 05 Waterfront Access Bond from Currie Park Boat Ramp Expansion to Riviera Beach Marina; and **C)** Budget transfer of \$25,000 in the \$50M GO 05 Waterfront Access Bond from Reserves to Riviera Beach Marina.

Summary: This Interlocal Agreement provides funding for construction of Phase I of the Riviera Beach Marina Expansion and reconfiguration project. Project elements include adding 45 new wet slips, expansion of the public parking, public rest rooms improvements, replacing mechanical /electrical /plumbing systems to the docks and fuel tank replacement with high-speed pump/dispenser. Funding is from the 2004 \$50 Million Waterfront Access Bond issue. The Board previously allocated \$4 Million to this project. However, Bond issuance costs of \$525,000 were deducted from the budget for this project, leaving a balance of \$3,475,000. Increasing the funding allocation to \$5 Million will enable the City to construct the 45 new boat slips. Staff has prepared a status report on the Waterfront Bond projects which the Board previously allocated funding. Staff recommends the Board not pursue the Currie Park Boat Ramp project which is not proceeding and does not appear to be supported by West Palm Beach, and to allocate those funds to this project. The total budget transfer of \$1,525,000 represents an increase of \$1,000,000 in the Board allocation to the Riviera Beach project and the refunding of \$525,000 borrowed from the Riviera Beach account to cover initial bond issuance costs. As a condition of this Agreement, the City shall be required to operate and maintain the City Marina as a public marina for 30 years. In the event the City transfers ownership of the Marina to a third party, the City will be required to repay the full \$5 Million grant. (PREM) District 7 (PK)

Background and Policy Issues: In November of 2004, the voters approved a \$50 million bond issue to preserve, protect and expand public access to and use of freshwater and saltwater bodies of water and to preserve working waterfronts. On March 1, 2005, the Board directed that \$35 million of the bond issue be allocated to Marinas, Boatyards and Redevelopment Projects. On November 22, 2005, the Board reviewed the potential projects identified by Staff and allocated funding to certain projects. At a joint meeting of the Board of County Commissioners and the City of Riviera Beach City Council on January 24, 2006, the Board allocated \$4 Million in funding to the Riviera Beach Marina project and directed Staff to pursue accommodating the development of a fishing pier/water taxi stand in conjunction with the development of the Moroso Park boat ramp and the rebuilding of Lockheed's docks and turning basin.

CONTINUED ON PAGE 3

Attachments:

1. Location Map
2. Status Report on Waterfront Bond projects
3. Interlocal Agreement
4. City of Riviera Beach's request letter
5. Budget Transfer

Recommended By: [Signature]
Department Director

ATTACHMENT 2

Approved By: [Signature]
County Administrator Date

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Grant Expenditures	5,000,000	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	5,000,000	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X
 Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

Riviera Beach Marina	3038-581-P614-8201	\$3,475,000
Reserves	3038-821-9824-9908	\$25,000
Currie Park Boat Ramp Expansion	3038-581-P609-8201	<u>\$1,500,000</u>
		\$5,000,000

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 2/23/07
 OFMB Contract Development and Control
[Signature] 2/23/07

This Contract complies with our contract review requirements.

B. Legal Sufficiency:

[Signature] 2/26/07
 Assistant County Attorney

At the time of ADC's review, the contract was not executed and there was no proof of insurance.

C. Other Department Review:

[Signature]
 Department Director

This summary is not to be used as a basis for payment.

ground and Justification continued:

The Tri Party Agreement with the City and Lockheed Martin is being presented as a companion item. The attached Staff report provides details on the previously approved funding allocations for the \$50 Million Waterfront Access Bond and the status of the various projects.

The Riviera Beach Municipal Marina is a vital component of the public's water front access for all of Palm Beach County. The area is a gathering place for a wide variety of users, from kayakers, scuba divers, anglers, boaters, visitors to Peanut Island and people just enjoying the view. The City of Riviera Beach is currently in the process of designing improvements to its Marina.

The city historically has not invested sufficient funding into its Marina. Currently, water and electric systems servicing the docks and wet slips are in a state of disrepair. In addition, the concrete slab of the dry storage building is in disrepair. As its physical condition continues to deteriorate, the probability increases that the City will decide that it is no longer financially feasible to operate the Marina. With the County's funding, the City will be in position to substantially improve the physical condition of the existing Marina facilities, upgrade portions thereof and add 45 new slips. Once the Marina has been restored and improved, the City should be able to maintain the Marina using Marina operating revenues.

The City must continue to operate the Marina as a public marina for public use for a period of 30 years. The County's funding will be provided on a reimbursement basis and can be utilized only for authorized components of the overall project.

Add-on
Agenda Item #: 5G-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Time Certain
10:45 Am.
M/K 7-0

Meeting Date: November 17, 2009 [] Consent [X] Regular
[] Ordinance [] Public Hearing
Department: Facilities Development & Operations
File: Waterfront
Riviera Beach
R-2009-2012

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment Number 1 to Interlocal Agreement with the City of Riviera Beach for renovations and improvements to the City's Marina (R2007-0349).

Summary: The County and City entered into an Interlocal Agreement on February 27, 2007, which provided the City a \$5 million grant for renovations to the City's Marina. The Interlocal Agreement required the city to complete the project within two (2) years. The City has faced several obstacles in redeveloping the area surrounding the Marina, including failure to reach agreement with Viking Developers, the selected Master Developer of the project. The City has recently down-scaled its program for the redevelopment, and is now focusing its efforts on the marina itself. To date, the County has funded \$170,000 which was used for forklift stops and concrete repair. Due to the delay in performing renovations and maintenance, the Marina has continued to deteriorate and is in need of significant repairs. The City's revised program for the \$4,830,000 balance of the grant includes: replacement of the fuel tanks, demolition of the existing dry storage building and replacement with ground stands and temporary rack systems, repair and replacement of fire/water lines under the existing docks, repair of electric service to the docks, repairs to finger piers and replacement of pilings, stormwater repairs, and renovation of restroom and shower facilities as part of Phase I. Future phases will include design, engineering, permitting and replacement of the main bulkhead and existing finger piers with floating docks. The total estimated cost of all repairs/improvements is estimated to be \$7,650,000 and will require additional grant funding from FIND and other sources. The City will be making a presentation on the overall scope of proposed improvements. This Amendment will extend the time frame for completing the project until October 11, 2011, and redefines the scope of the project as described above. (PREM) District 7 (HJF)

Background and Policy Issues: In November of 2004, the voters approved a \$50 million bond issue to preserve, protect and expand public access to and use of freshwater and saltwater bodies of water and to preserve working waterfronts. On March 1, 2005, the Board directed that \$35 million of the bond issue be allocated to Marinas, Boatyards and Redevelopment Projects. On January 24, 2006, the Board reviewed the potential projects identified by Staff and allocated funding to certain projects. On February 27, 2007, the Board approved the Interlocal Agreement with the City of Riviera Beach which provided the City \$5 million in funding for renovations to the Marina.

- Attachments:
- 1. Location Map
 - 2. Preliminary copy of City's presentation
 - 3. Amendment Number 1

Recommended By: [Signature]
Department Director

ATTACHMENT 3

Approved By: [Signature]
County Administrator

11/16/09
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

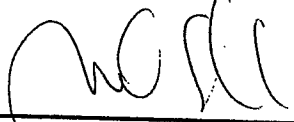
B. Recommended Sources of Funds/Summary of Fiscal Impact:

☞ Funding in the amount of \$5M was previously allocated to this project from the proceeds of the \$50M Waterfront Access and Preservation Bond issue.

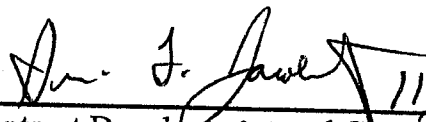
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

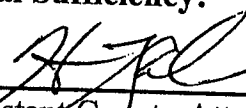


 OFMB 11/13/09
 CN 11/13/09



 Contract Development and Control
 E. Jones 11/16/09

B. Legal Sufficiency:



 Assistant County Attorney
 Agreement not signed by City
 at time of CAO review.

This amendment complies with our review requirements.
 At the time of our review the Amendment was not created.

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Background and Policy Issues, continued:


The Riviera Beach Municipal Marina is a vital component of the public's water front access for all of Palm Beach County. The area is a gathering place for a wide variety of users, from kayakers, scuba divers, anglers, boaters, visitors to Peanut Island and people just enjoying the view.

The City has spent years trying to come up with a viable redevelopment plan for the area surrounding the Marina. The City selected Viking Developers to act as the Master Developer under a revised redevelopment plan, but has been unable to reach agreement to proceed. The downturn in the economy has not helped the situation. The City has recently decided to focus solely on redevelopment of the Marina with the hope that this will spawn further redevelopment in the future when the economy recovers.

The City historically has not provided sufficient funding for maintenance and repair of the Marina. This situation was exacerbated by the indecision associated with the redevelopment plan. Currently, the Dry Storage building is structurally unsound, and the docks, electrical systems, water/fire lines and drainage systems are in need of substantial repairs. As the physical condition of the Marina continues to deteriorate, the probability increases that the City will decide that it is no longer financially feasible to operate the Marina. The County's funding is now more than ever essential to preserving the continued viability of this public marina. Without the County's funding, Staff believes that it is probable that control of the Marina will be transferred to a private developer/operator. Rybovich/Huizenga has been attempting to gain a foothold in establishing a role for it in redevelopment of the Marina, including setting aside a portion of the Marina for its uses. Staff continues to believe that the most effective way to ensure long-term public access to the water is through the support of publicly owned facilities. While private involvement in the redevelopment of the Marina could be beneficial, use of public facilities by private interests presents numerous challenges. County funding ensures that the County will have input on the decisions regarding private use.

The City's revised program is set forth in the attachments. Of note is that the City is proposing to demolish the existing dry storage building and replace the storage racks with ground stands and/or temporary racks. The existing building is in an unsafe condition and it not laid out for the optimum type/size of boats. The new racks will be reconfigured to accommodate larger boats and should improve operating revenue. The revised program will also not add any additional slips as originally proposed. However, ultimately, the existing slips will be totally redone with floating docks and will be much more usable. This will also improve operating revenue.

The term of this Interlocal will be extended by roughly two (2) years until October 2011, which will provide the City adequate time to complete the proposed improvements. The Interlocal requires the City to operate the Marina as a public marina for a period of 30 years. The City can not transfer ownership or operation of the Marina without the County's consent.



Riviera Beach Municipal
Marina
International Harbor at
Riviera Beach

Public Access

Building a New Floating Dock Marina

ATTACHMENT #4



What We Need

1. Extend time for Project completion from October 1, 2011 to July 1, 2012, for maximum grant leveraging and construction timetables.
2. Reallocate funding in Amendment 1 of the Interlocal Agreement to facilitate replacement rather than repairs to the Marina's infrastructure.



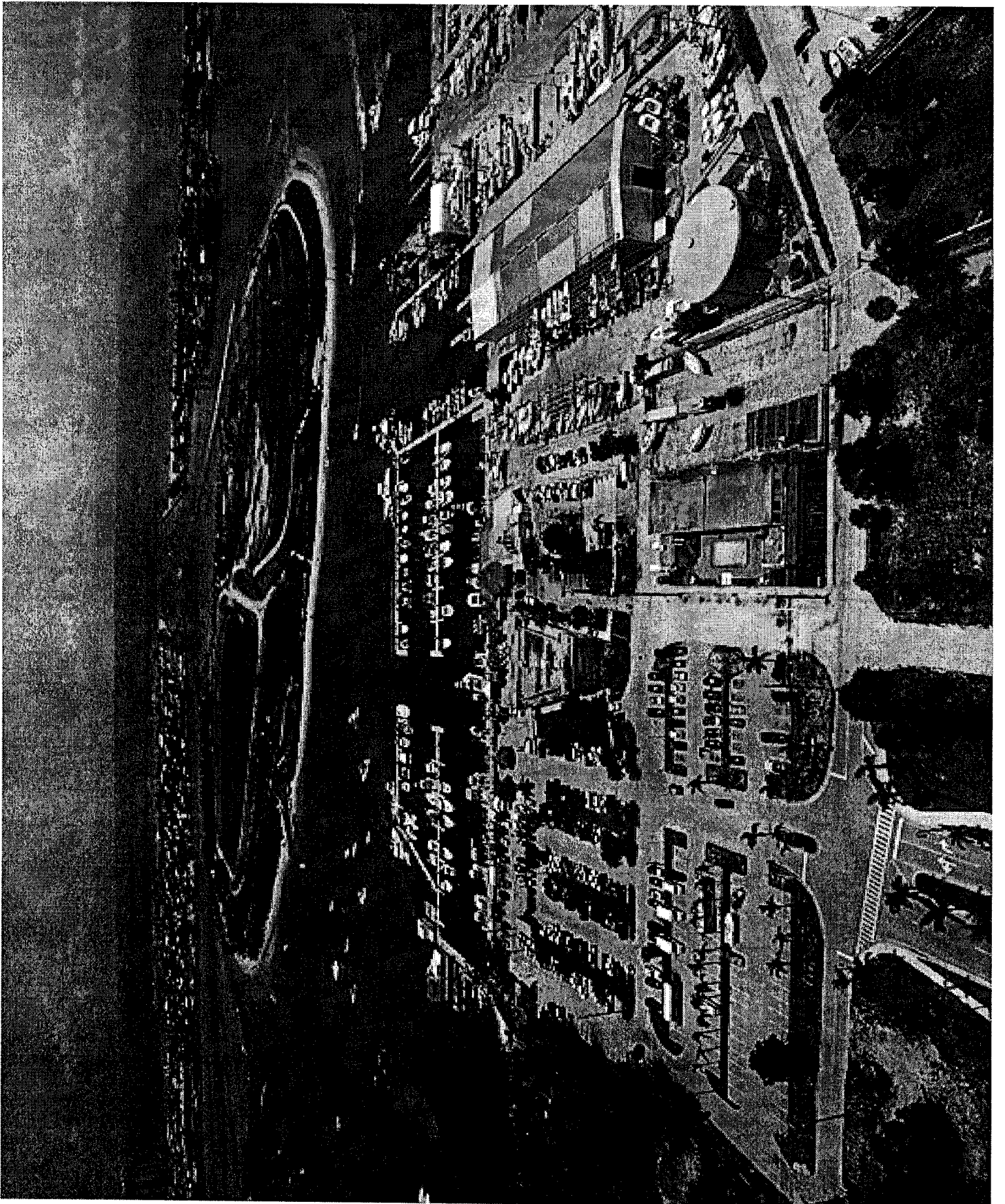
Presentation Objectives

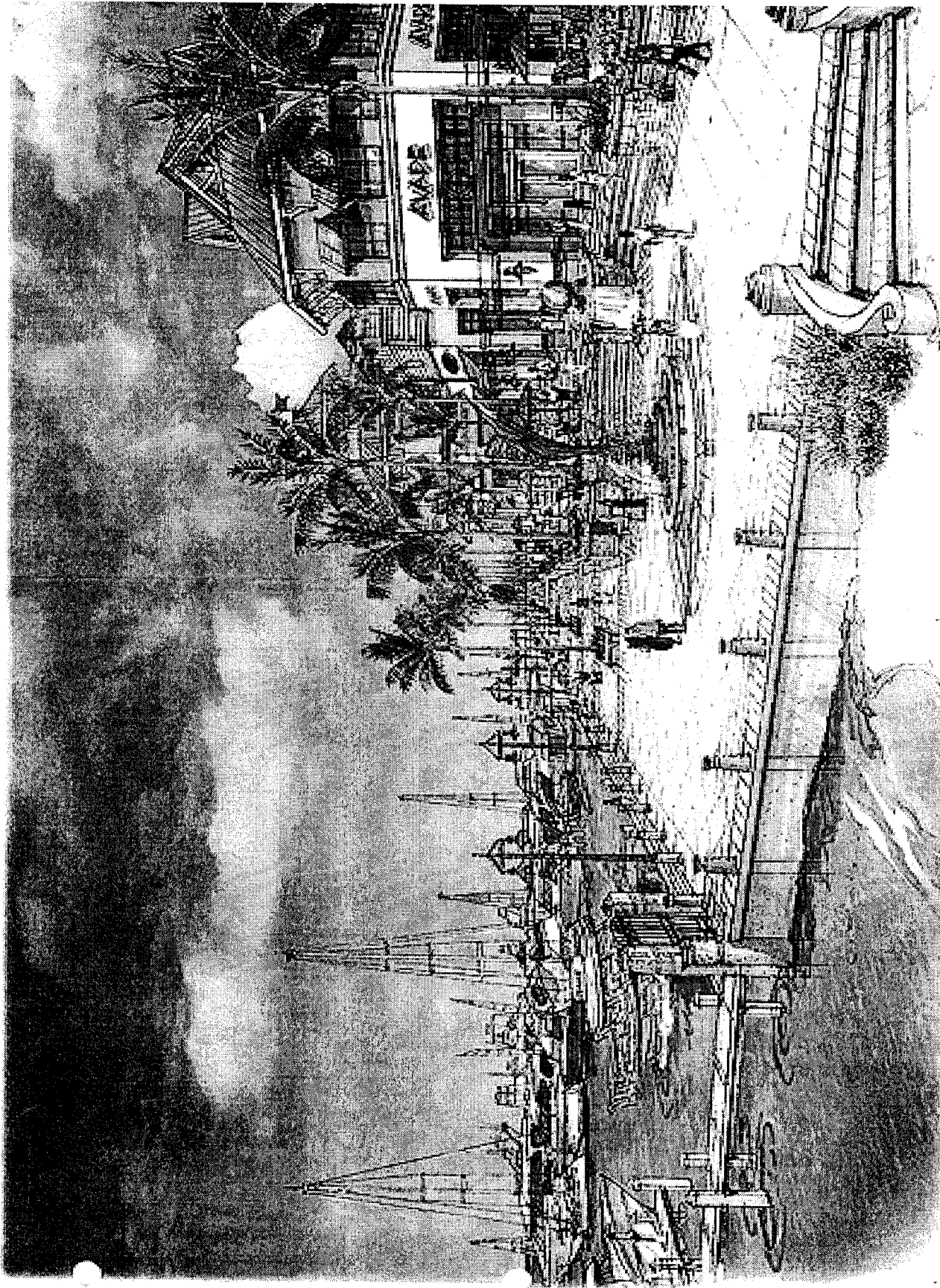
- Ensure Public Access to the Marina
- Show how the public marina will enhance the Marina District
- Commit use of County funds for public benefit only
- Provide timeline for timely disbursement



Vision for Public Access

International Harbor at Riviera
Beach





INTERNATIONAL HARBOR AT
RIVIERA BEACH, FLORIDA

VIKING DEVELOPERS, LLC **vikings**

EXHIBIT 6(b)
Conceptual Design Rendering
Marina / Promenade View



SHoP ARCHITECTS
1000 EAST PALM BEACH AVENUE
SUITE 200
PALM BEACH, FLORIDA 33480
TEL: 561.832.2200
WWW.SHOPARCHITECTS.COM



Public Funds for Public Use

100% Use to Benefit Public Domain



Marina Costs

- Preliminary cost estimates - \$7 to \$8 million
 - Replace North and South docks with new floating docks
 - Replace seawall
 - Construct marina facility building
- Funding Sources
 - Existing Grant Funds - \$ 6,934,000
 - Proposed Grants through 2011 - \$ 1,495,000
 - Projected Total - \$ 8,429,000



Analysis of Existing Marina – Replacement vs. Repair – Which is a better use of County Grant Funds ?

- Seawall - 30 plus years old
- Docks - 28 years old
- Docks outdated design
- Loading and unloading difficult during low tides
- Entire electrical and water system underwater during high water events,
- Sand loss under boardwalk through old seawall
- Entire fire suppression system needs replacing
- Availability of other funding sources



Leveraging County Money to Obtain Additional Funding

• PBC Bond Inter-local Agreement	\$ 5,000,000
• Spent for upgrades & safety repairs	<u>\$ 1,200,000</u>
PBC Bond Grant Balance	\$ 3,800,000
• USFWS Boating Infrastructure grant	\$ 1,784,000
• FL Inland Navigation District (2009)	\$ 475,000
• FL Inland Navigation District (2010)	<u>\$ 875,000</u>
Balance Available for Public City Marina	\$ 6,934,000
• FL Boating Infrastructure Grant Pending	\$ 495,000
• FL Inland Navigation District Construction to be applied for April 2011	\$ 1,000,000
to be applied for April 2012	<u>\$ 1,000,000</u>
Total Project Grant Funding	\$ 9,429,000



Public Funds and Timely Use

Project Timeline in Place



Next Steps

- Complete engineering for seawall. Jan. 2011
- Complete seawall construction June 2011
- Complete engineering and bid documents for docks. March 2011
- Complete construction North docks Dec. 2011

- Monitor available funds and costs On-going
- Apply for additional grants On-going



Next Steps Cont.

- Complete engineering and bid documents for South docks. July 2011
- Complete construction South docks April 2012



Other Issues for Consideration

- Permits needed as grant requirements.
- Applied for and received USACE (07/15/2010) and DEP (09/17/2010) permits for North docks and seawall.
- Retain commercial and regular customer base.
- Staging of retained customers during marina and seawall and dock construction.
- Staging of construction materials and equipment.
- Parking and pedestrian safety.



Decisions Required to Move Forward

1. Extend time for Project completion from October 1, 2011 to July 1, 2012, for maximum grant leveraging and construction timetables.
2. Reallocate funding in Amendment 1 of the Interlocal Agreement to facilitate replacement rather than repairs to the Marina's infrastructure.