

Agenda Item #3.M.1.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 13, 2013

Consent
 Ordinance

Regular
 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 approve: First Amendment to Interlocal Agreement with the City of Lake Worth for the funding of the Lake Worth Beach Redevelopment Project to extend the project completion date from February 1, 2013, to August 31, 2013, and to add conditions regarding Inspector General requirements.

Summary: This First Amendment to Agreement, R2010-0223, extends the project completion date by approximately 4 months in order to allow time for the completion of construction punch list items and the reimbursement process. The new Project completion date is August 31, 2013. The Amendment also adds Inspector General requirements. All other terms of the Agreement, including the funding amount of \$5,000,000, remain the same. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

Background and Justification: The County entered into an Interlocal Agreement with the City of Lake Worth on February 2, 2010, for funding of public improvements for the Lake Worth Beach redevelopment project. Although the City was able to realize substantial completion by the February 1, 2013, project completion date, several punch list items remained unresolved at that time. The punch list items have been completed, and the reimbursement process can be finalized pending the approval of this amendment. The Project compliance term of 30 years from approval of the funding Agreement, February 1, 2040, remains unchanged.

The Amendment has been executed on behalf of the City of Lake Worth, and now needs to be approved by the Board of County Commissioners.

Attachments:

1. First Amendment to Interlocal Agreement
2. Letter from City of Lake Worth

Recommended by: 
Department Director

7/15/2013
Date

Approved by: 
Assistant County Administrator

7/10/13
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	<u>-0-</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>-0-</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)	<u>* 0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

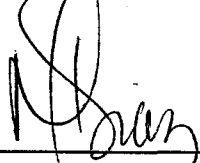
B. Recommended Sources of Funds/Summary of Fiscal Impact:


* There is no additional fiscal impact created by this Amendment, as this Amendment is to extend the project completion date and include Inspector General requirements only. The Interlocal Agreement is encumbered with document # KPO 581 PRCP030410*3 (3020-581-P575-8101).

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

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

 7/18/2013
 OFMB AK 7/17/13 ok 7/17

 7/19/13
 Contract Development and Control
 7-19-13 Bushnell

B. Legal Sufficiency:

 7/24/13
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

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



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1689 · Fax: 561-586-1750

June 18, 2013

Commissioner Shelley Vana
Palm Beach Board of County Commissioners District 3
301 Olive Avenue, Suite 1201
West Palm Beach, FL 33401

RE: R2010-0223 - Interlocal Agreement between Palm Beach County and the City of Lake Worth for the Lake Worth Beach Redevelopment Project

Dear Commissioner Vana:

On February 2, 2010, the Interlocal Agreement between Palm Beach County and the City of Lake Worth for funding of the Lake Worth Beach Redevelopment Project was fully executed. A total of \$5,000,000 was awarded under the \$50 Million Recreation and Cultural Facilities Bond for the design and construction of the Project.

Under the terms of this Interlocal Agreement, the City was to complete the design and construction of the Project within thirty-six months from the date of execution, or by February 1, 2013. Although substantial completion of the Project was realized by that date, several punch list items were not resolved until April 2013.

The City of Lake Worth respectfully requests the extension of the project completion date of February 1, 2013, as is currently set forth in the Interlocal Agreement, to August 31, 2013. This action will provide the time necessary to account for completion of the punch list items and successful close out the Project.

The completion of this project is of great significance to area residents who have expressed overwhelming support of these improvements. These improvements could not have been provided without this financial assistance from Palm Beach County.

Should you have any questions or require additional information, please do not hesitate to contact Jerry Kelly, Grants Analyst, at 561.533.7358. The City will respond in a timely manner. As always, thank you for your continued cooperation.

Sincerely,


Michael Bornstein
City Manager

cc: Eric Call, Director, PBC Parks and Recreation Department

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE CITY OF LAKE WORTH FOR FUNDING OF PUBLIC
IMPROVEMENTS FOR THE LAKE WORTH BEACH REDEVELOPMENT PROJECT**

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of Lake Worth, a Florida municipal corporation, hereinafter referred to as "MUNICIPALITY".

WITNESSETH:

WHEREAS, on February 2, 2010, COUNTY entered into an Interlocal Agreement with MUNICIPALITY (R2010-0223) to provide funding in an amount not-to-exceed \$5,000,000 for design and construction of public improvements for the Lake Worth Beach redevelopment project; and

WHEREAS, the project end date for the public improvements for the Lake Worth Beach redevelopment project, as approved in MUNICIPALITY's Interlocal Agreement with COUNTY, is February 1, 2013; and

WHEREAS, MUNICIPALITY has requested that COUNTY extend the project end date from February 1, 2013 until August 31, 2013 in order to complete all remaining construction punch list items and to complete the reimbursement process; and

WHEREAS, both parties desire to amend the Interlocal Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Section 2.01 of this Interlocal Agreement shall be amended to delete "MUNICIPALITY shall be responsible for the design and construction of the Project. MUNICIPALITY shall design and construct the Project in accordance with Exhibit "A", attached hereto and made a part hereof, and with all applicable federal, state and local laws, rules and regulations. MUNICIPALITY agrees to meet design and construction milestones in Article 2 and to complete the Project within thirty six (36) months from the date of execution of this Interlocal Agreement by the parties hereto. MUNICIPALITY'S failure to meet design and construction milestones shall be deemed an event of non-compliance of this Interlocal Agreement, and COUNTY shall have any and all rights and remedies as set forth in Article 9 of this Interlocal Agreement." and to insert "MUNICIPALITY shall be responsible for the design and construction of the Project. MUNICIPALITY shall design and construct the Project in accordance with Exhibit "A", attached hereto and made a part hereof, and with all applicable federal, state and local laws, rules and regulations. MUNICIPALITY agrees to meet design and construction milestones in Article 2 and to complete the Project by August 31, 2013. MUNICIPALITY'S failure to meet design and construction milestones shall be deemed an event of non-compliance of this Interlocal Agreement, and COUNTY shall have any and all rights and remedies as set forth in Article 9 of this Interlocal Agreement."

2. Section 2.06 of this Interlocal Agreement shall be amended to delete "MUNICIPALITY shall totally complete the Project and open same to the public for its intended use within thirty six (36) months from the date of execution of this Interlocal Agreement by the parties hereto." and to insert "MUNICIPALITY shall totally complete the Project and open same to the public for its intended use by August 31, 2013."
3. Article 6: "Access and Audits" shall be amended to be deleted and replaced with the following:

"ARTICLE 6: ACCESS, AUDITS, AND INSPECTOR GENERAL

Municipality shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the construction of the Project for at least five (5) years after the end of the fiscal year in which the final payment is released by the COUNTY, except that such records shall be retained by MUNICIPALITY until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the five (5) year period. COUNTY reserves the right, upon reasonable request and during normal business hours, to inspect said Project and shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit.

COUNTY has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 – 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed COUNTY contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the MUNICIPALITY, its officers, agents, employees and lobbyists in order to ensure compliance with contractual requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code Section 2-421 – 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor."

4. Article 8, Item 5. of this Interlocal Agreement shall be amended to delete "Failure to totally complete the Project and open same to the public for its intended use within thirty six (36) months from the date of execution of this Interlocal Agreement." and to insert "Failure to totally complete the Project and open same to the public for its intended use by August 31, 2013."
5. Except as provided herein, each and every other term of this Interlocal Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

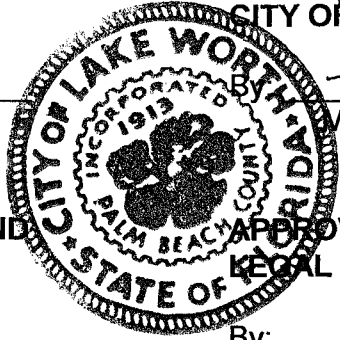
ATTEST:
SHARON R. BOCK, Clerk &
Comptroller

PALM BEACH COUNTY, FLORIDA, BY
IT BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

ATTEST:
By: *Amelia Lopez*
MUNICIPALITY Clerk



CITY OF LAKE WORTH
By: *[Signature]* 7/21/13
Mayor

APPROVED AS TO FORM AND
AND LEGAL SUFFICIENCY
By: *[Signature]* FOR
MUNICIPALITY Attorney

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
By: _____
COUNTY Attorney

APPROVED AS TO TERMS
AND CONDITIONS
By: *[Signature]*
Eric Call, Director
Parks and Recreation Department

EXHIBIT A

PROJECT DESCRIPTION, CONCEPTUAL
SITE PLAN, AND COST ESTIMATE

Exhibit A1
Project Description
Public Improvements for the Lake Worth Beach Redevelopment Project

The City of Lake Worth Florida is proposing redevelopment of the Lake Worth Beach property to include improvements to the public parking facilities, pedestrian and vehicular circulation, beach access, public restrooms and pavilions, picnic areas, and other beachfront amenities.

The public improvements (funded by the Palm Beach County Recreation and Cultural Facilities Bond) include:

1. Enhancements to the landscaping at the main project entrance to include a combination of shade and palm trees.
2. Bus stop areas east of the existing "casino building".
3. Open air pavilions located east of the upper dune surface parking lot.
4. A circular drop-off area located north of the upper dune surface parking lot.
5. Seating areas along the existing seawall in front of the "casino building" and accessible via a proposed paver block pedestrian promenade.
6. A "public art" playground located east of the upper dune surface parking lot.
7. New picnic facilities located west of the upper dune surface parking lot, including picnic tables with surrounding shade trees.
8. An accessible interpretive trail from the western surface parking lot to the top of dune with native vegetation, signage, and miscellaneous other features.
9. A paver block plaza with shade sails constructed between the pier and the upper dune surface parking lot.
10. Beachfront turf lawn areas.
11. Upper dune bio-swales planted with native vegetation for storm water retention.
12. A paver block promenade spanning the entire beach frontage.
13. A large pavilion with beach lockers located east of the upper dune surface parking lot.
14. A public restroom facility constructed adjacent to the beach locker pavilion.
15. Alternative power generation or energy saving systems.
16. A surfboard and kayak drop-off area.
17. A dedicated bicycle path from the south driveway to the top of dune with bicycle racks.

In addition to the numbered features on Exhibit A2, the plan includes:

- reconfigured and new surface parking facilities with perimeter landscaping and landscape islands (613 parking spaces on site available to the general public),
 - shade trees and other landscape improvements throughout the site,
 - native planting areas,
 - a paver block roadway to replace the existing multi-lane roadway east of the "casino building",
 - pedestrian walks and improved pedestrian access from the surface parking lots to the beachfront,
 - improvements to the existing drainage and utility infrastructure,
 - undergrounding of upper dune electrical facilities,
 - site lighting improvements (sea-turtle friendly) along the beachfront,
 - other miscellaneous improvements.
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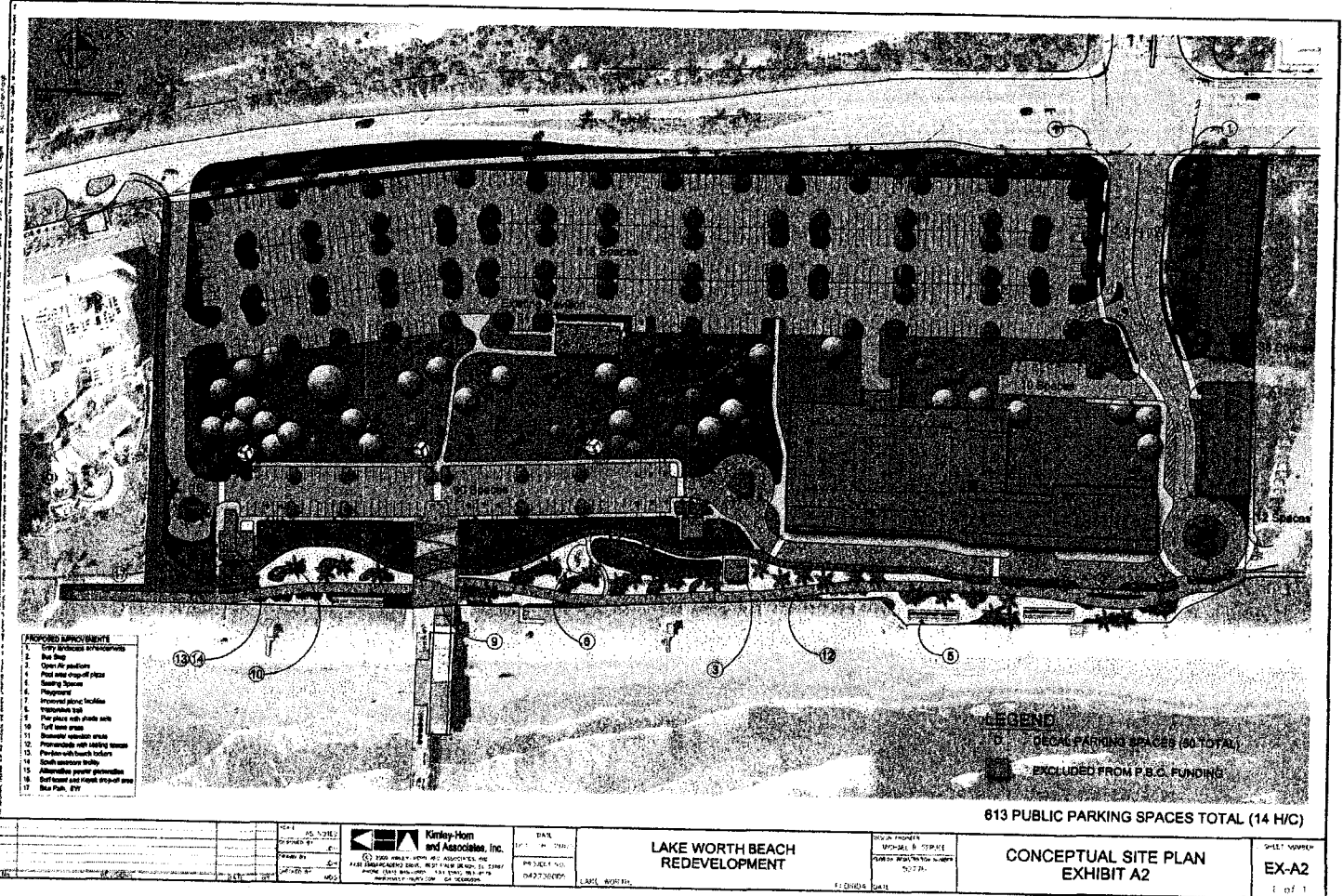


Exhibit A3
Cost Estimate
Public Improvements for the Lake Worth Beach Redevelopment Project

Project elements for the public improvements for the Lake Worth Beach Redevelopment Project include:

1. Enhancements to the landscaping at the main project entrance to include a combination of shade and palm trees.
2. Bus stop areas east of the existing "casino building".
3. Open air pavilions located east of the upper dune surface parking lot.
4. A circular drop-off area located north of the upper dune surface parking lot.
5. Seating areas along the existing seawall in front of the "casino building" and accessible via a proposed paver block pedestrian promenade.
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- pedestrian walks and improved pedestrian access from the surface parking lots to the beachfront,
- improvements to the existing drainage and utility infrastructure,
- undergrounding of upper dune electrical facilities,
- site lighting improvements (sea-turtle friendly) along the beachfront,
- other miscellaneous improvements.

ESTIMATED COSTS: \$4,545,500
ESTIMATED DESIGN COSTS: \$454,500
ESTIMATED TOTAL COST: \$5,000,000
