

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

Meeting Date:	October 1, 2013	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Department of Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Receive and File: Two (2) Amendments to Agreements and one (1) Modification to a Grant Agreement, as follows:

- A) Amendment No. 002 to the Agreement (R2012-1255) with the City of Riviera Beach under the Neighborhood Stabilization Program 1 (NSP1);
- B) Amendment No. 002 to the Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC under the Neighborhood Stabilization Program 2 (NSP2) and the Home Investment Partnership Program (HOME); and
- C) Modification No. 8 to the Grant Agreement (R2010-1411) with the State of Florida under the 2008 CDBG Disaster Recovery Initiative Program (DRI 4).



Summary: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached Amendments to Agreements and Modification have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items R2009-1677, R2011-1384, and 5C-2, as approved by the BCC on October 6, 2009, September 13 and 2011, June 5, 2012, respectively. These executed documents are now being submitted to the BCC to receive and file. These are Federal HOME funds whose match is met with State Housing Initiative Partnership Program funds and Federal NSP1, NSP2 and DRI4 funds which require no local match. (DES Contract Development) Countywide (TKF)

Background and Justification: On June 27, 2012, the County entered into an Agreement (R2012-1255) with the City of Riviera Beach, as amended by Amendment No. 001 (R2013-0151) on December 21, 2012, to provide \$577,400 in NSP1 funds for the acquisition and rehabilitation of homes to be occupied by income qualified households. Amendment No. 002 provides an additional \$19,979.90 for rehabilitation costs.

On October 9, 2012, the County entered into a Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC, as Amended by Amendment No. 001 (R2013-0153) on December 13, 2012, to provide \$5,536,818 of NSP2 and HOME funds for the construction of 63 affordable rental units. Amendment No. 002 extends the project completion date to November 15, 2013.

The Grant Agreement for DRI4 in the amount of \$6,533,405 (Contract #10DB-K4-10-60-01-K29) covers the period of June 14, 2010 to December 21, 2013. Modification No. 8 was approved to revise scopes of project activities and to reallocate funds among projects.

Attachments: Documents as listed in A through C above.

Recommended By:		9/20/2013
	Department Director	Date
Approved By:		9/23/13
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:


Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures					
Operating Costs	\$19,980)				
External Revenues					
Program Income	(\$19,980)				
In-Kind Match					
NET FISCAL IMPACT	-0-				
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				

Is Item Included In Current Budget? Yes X No
Budget Account No.:

Fund 1109 Dept 143 Unit 1423 Object 8201 Program Code/Period NS40E/GY08: \$19,979.90


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


Approval of this agenda item allocates \$19,979.90 to the City of Riviera Beach from NSP1 program income.

C. Departmental Fiscal Review: 
Shairrette Major, Fiscal Manager I

III. REVIEW COMMENTS

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


 N. Diaz 9/18/2013
 OFMB KN 9/16 9/17 9/18
 SC


 J. S. Jacobson 9/20/13
 Contract Development and Control
 9-20-13 BCDH/ell

B. Legal Sufficiency:

 9/23/13
Chief Assistant County Attorney

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

**AMENDMENT 002 TO THE AGREEMENT
WITH
CITY OF RIVIERA BEACH**

Amendment 002 entered into on AUG 30 2013, by and between **Palm Beach County** and the **City of Riviera Beach**

W I T N E S S E T H:

WHEREAS, Palm Beach County entered into an Agreement (R2010-0904) with the City of Riviera Beach on May 1, 2010, as amended by Amendment No. 001 (R2011-0397) on March 15, 2011 (collectively, the "First Agreement"), to provide \$577,400 of Neighborhood Stabilization Program 1 (NSP-1) Grant funds for the acquisition and rehabilitation of at least three properties; and

WHEREAS, the First Agreement expired before the funds were expended and the parties entered into a second Agreement (R2012-1255) on June 27, 2012 (the "Agreement"), which Agreement continued and incorporated the First Agreement and established requirements for the use of funds for the four (4) properties acquired for rehabilitation; and

WHEREAS, the Agreement was modified by Amendment No. 001 (R2013-0151) on December 21, 2012; and

WHEREAS, the parties wish to further modify the Agreement to allow for the reimbursement of certain rehabilitation expenses out of Program Income; and

WHEREAS, the parties agree that the Agreement, as amended, is hereby further amended as follows:

A. PART III – SECTION 1 – MAXIMUM COMPENSATION

Replace "\$166,324.93" with "\$19,979.90".

Delete the last sentence of the first paragraph and replace it with the following:

"Funds not requested and approved by DES for reimbursement by March 4, 2014, shall remain with the County and no longer be eligible for reimbursement to the Agency."

Delete the second paragraph and replace it with the following:

"The Municipality recognizes that the \$19,979.90 made available herein is derived from NSP-1 Program Income and authorized pursuant to Part III.4 (8) of the Agreement, as amended. The Program Income generated from the sale of 2541 Canterbury Drive South. (PCN: 56-42-42-36-06-000-0270) is the sole source for funding this additional allocation. Additional funding contained herein is authorized solely to reimburse the Municipality for the final payment of the rehabilitation contract on said property. Reimbursement from this additional allocation will be made *following* the sale of the property contained herein and be completed no later than March 4, 2014".

B. PART III – SECTION 2 – TIME OF PERFORMANCE

The following is added:

"All DES approved items funded through this Program Income allocation related to the renovation of 2541 Canterbury Drive South, including the Agency's request for reimbursement of funds, must be completed no later than March 4, 2014. The March 4, 2014, deadline for the sale of the properties shall remain unchanged".

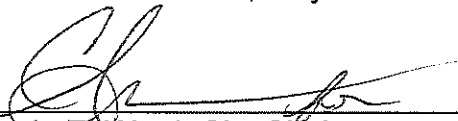
NOW THEREFORE, 1) all items in the Agreement in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Agreement.

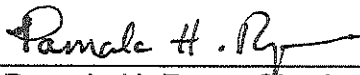
CITY OF RIVIERA BEACH

(MUNICIPAL SEAL BELOW)

CITY OF RIVIERA BEACH

By: 
Thomas A. Masters, Mayor

By: 
Carrie E. Ward, City Clerk

By: 
Pamela H. Ryan, City Attorney


PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida

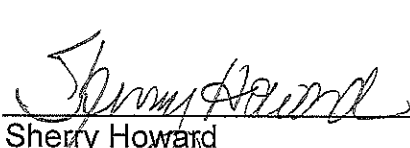
FOR ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Shannon R. LaRoque-Baas, P.E.
Assistant County Administrator

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Department of Economic Sustainability

By: 
Tammy K. Fields
Chief Assistant County Attorney

By: 
Sherry Howard
Deputy Director

Z:\NSP1\City of Riviera Beach\AgmtAmnd02_7_11_13.docx

**AMENDMENT 002 TO THE LOAN AGREEMENT
WITH
HTG PALM BEACH II, LLC**

Amendment 002 entered into on 1 JUL 15 2013, by and between **Palm Beach County** (hereinafter "County") and **HTG Palm Beach II, LLC**, (hereinafter "Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2012-1800) with Borrower on October 9, 2012, as amended by Amendment 001 (R2013-0153) on December 13, 2012, to provide a loan in the principal amount of \$5,536,818 of Neighborhood Stabilization Program 2 (NSP2) funds and HOME Investment Partnerships (HOME) funds for the construction of 63 townhome-style villas to be known as Pine Run Villas; and

WHEREAS, the parties wish to modify the Loan Agreement to extend the construction completion date, and

WHEREAS, both parties mutually agree that the original Loan Agreement entered into on October 9, 2012, as amended, is hereby further amended as follows:

PARAGRAPH 12(D) – FAILURE TO COMPLETE CONSTRUCTION:

Replace "September 30, 2013" with "November 15, 2013".

NOW THEREFORE, 1) all items in the previous Loan Agreement in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Loan Agreement.

THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

**AMENDMENT 002 TO THE LOAN AGREEMENT WITH
HTG PALM BEACH II, LLC - Continued**

IN WITNESS WHEREOF, Borrower and the County have caused this Amendment to be executed on the date first above written.

Signed, sealed and delivered
in the presence of:
Witnesses:

Name: Rodrigo Paredes

Signature: [Signature]

Name: Glenn Delamater

Signature: [Signature]

HTG PALM BEACH II, LLC,
a Florida Limited Liability Company

By: [Signature]
Name: Matthew Rieger
Title: Vice-President

STATE OF FLORIDA
COUNTY OF PALM BEACH Miami-Dade

The foregoing instrument was acknowledged before me this 8th day of July, 2013, by Matthew Rieger, as Vice-President of HTG Palm Beach II, LLC, who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.



(NOTARY SEAL ABOVE)

Signature: [Signature]
Notary Name: VICTORIA VARELA
Notary Public - State of Florida

PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
FOR ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Shannon R. LaRocque-Baas, P.E.
Assistant County Administrator

Approved as to Form and
Legal Sufficiency

By: [Signature]
Tammy K. Fields
Chief Assistant County Attorney

Approved as to Terms and Conditions
Department of Economic Sustainability

By: [Signature]
Sherry Howard
Deputy Director

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

August 19, 2013

The Honorable Steven Abrams, Mayor
Palm Beach County Board of Commissioners
301 North Olive Avenue, 12th Floor
West Palm Beach, Florida 33401

REC'D AUG 2 2013
TO: Clement/Bud/Sherry

Edward W. Lowery, Director
Received 8/21/2013 *EWL*

Re: Florida Community Development Block Grant Program
Disaster Recovery Initiative (DRI) Contract No.: 10DB-K4-10-60-01-K29
Palm Beach County Modification Number 8

Dear Mayor Abrams:

A review of the proposed Modification Number 8 to the referenced subgrant agreement, transmitted with your letter dated July 8, 2013, has been completed. The review indicates that the revised activity work plans, program budget, and scope of work appear to be in accordance with program requirements. An approved copy of the fully executed modification is enclosed with this letter. Please retain the modification in the official CDBG subgrant files.

If you any have questions regarding this matter, please contact Mona Wood via email at mona.wood@deo.myflorida.com or at (850) 717-8408.

Sincerely,


Monique H. Kabitzke
Planning Manager

MHK/mw

Enclosure

cc: ✓ Ms. Shannon LaRocque-Baas, Assistant County Administrator, Palm Beach County
Mr. Bud Cheney, Department of Economic Sustainability, Palm Beach County
Ms. LaToya Ricketts, Department of Economic Sustainability, Palm Beach County

Florida Department of Economic Opportunity · Caldwell Building · 107 E. Madison Street · Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org · www.twitter.com/FLDEO · www.facebook.com/FLDEO

**MODIFICATION NUMBER 8 TO SUBGRANT AGREEMENT BETWEEN
THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND
PALM BEACH COUNTY**

This Modification is made and entered into by and between the State of Florida, Department of Economic Opportunity, ("the Department"), and Palm Beach County, ("the Recipient"), to modify **DEO/DCA Contract Number 10-DB-K4-10-60-01-K29**, award dated June 14, 2010 ("the Agreement").

WHEREAS, the Department and the Recipient entered into the Agreement, pursuant to which the Department provided a subgrant of \$6,533,405 to Recipient under the Disaster Recovery Initiative Program ("DRI") as set forth in the Agreement;

WHEREAS, the Department and the Recipient desire to modify the Agreement;

WHEREAS, pursuant to the provisions of Chapter 2011-142, Laws of Florida, the DCA Division of Housing and Community Development was transferred to the Department of Economic Opportunity effective October 1, 2011; and the parties wish to reflect the new name.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

☐ **Reinstate Agreement**

1. The Agreement is hereby reinstated as though it had not expired.

☐ **Extend Agreement**

2. Paragraph 3, Period of Agreement is hereby revised to reflect an ending date of _____.

☒ **Revise Activity Work Plan**

3. The Attachment B, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment B, Activity Work Plan section, which is attached hereto and incorporated herein by reference.

☒ **Revise Program Budget and Scope of Work**

4. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.

Modification Number: 8

DEO/DCA Contract Number: 10-DB-K4-10-60-01-K29

Recipient: Palm Beach County

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☐ **Change in Participating Parties**

5. The Attachment A, Program Budget section, is hereby modified to delete all references to “N/A,” as the Participating Party, and replace them with “N/A” as the Participating Party with the understanding that the Recipient and the new Participating Party will enter into a Participating Party Agreement containing provisions and caveats that meet or exceed the conditions agreed to in the Participating Party Agreement between the Recipient and the original Participating Party.

☐ **Inclusion of an Unmet Need as Addressed in the Original Application**

6. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.
7. The Attachment A, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment A, Activity Work Plan section, which is attached hereto and incorporated herein by reference.

☐ **Change in Number of Accomplishments and/or Beneficiaries**

8. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.

☐ **Reflect Change in Agency from DCA to DEO**

9. This modification to the Subgrant Agreement hereby replaces “Department of Community Affairs” with “Department of Economic Opportunity” where appropriate in context.

Modification Number: 8

DEO/DCA Contract Number: 10-DB-K4-10-60-01-K29

Recipient: Palm Beach County

Page 3

All provisions of the Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the execution of this Modification by both parties.

All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set herein.

Department of Economic Opportunity

By: W B Killingsworth
Name: William B. Killingsworth
Title: Director, Division of Community Development

Date: 14 AUG 13

Recipient: Palm Beach County

By: Shannon R. LaRocque-Baas
Name: Shannon R. LaRocque-Baas, P.E.
Title: Assistant County Administrator

Date: 7-12-13

**Approved as to Terms and Conditions
Dept. of Economic Sustainability**

By: Sherry Howard
Name: Sherry Howard
Title: Deputy Director, DES

Approved as to Form and Legal Sufficiency

By: Tammy K. Fields
Name: Tammy K. Fields
Title: Chief Assistant County Attorney

ATTACHMENT A - PROGRAM BUDGET AND SCOPE OF WORK SUMMARY

CATEGORY	ACTIVITY		ACCOMPLISHMENTS		BENEFICIARIES			BUDGET		
	NUMBER	DESCRIPTION	UNIT	NUMBER	LMI	VLI	TOTAL	CDBG AMOUNT	OTHER FUNDS	SOURCE
ADMINISTRATION (LIMITED TO 2.5% OF TOTAL ALLOCATION)	21A	ADMINISTRATION: Activity #11- Administration costs of DRI program	N/A	N/A	N/A		N/A	163,355.00		
ENGINEERING	21B	ENGINEERING: Activity #3, #8, #9	N/A	N/A	N/A		N/A	179,193.00		
SUBTOTAL			N/A	N/A	N/A		N/A	342,548.00		
DOLLARS ALLOCATED FOR AFFORDABLE RENTAL HOUSING										
Rehab, multi-unit residential	14B	Activity #10-LMI housing	HU	45	45		45	740,744.00		
Street improvements, flood & drainage	03K	Activity #1, #2-LMI housing	SF	144,150	213		213	703,098.00		
SUBTOTAL			HU	45	258		258	\$1,443,842.00		
			SF	144,150						
ALL OTHER RECOVERY ACTIVITIES										
Flood & drainage, Storm Drains	03I	Activity #4, #5, #6,#7, #8, #9 LMI area benefit	Unit	4	2,252		4,123	\$4,073,667.67	\$355,000	(#8) DRI2
Pump/lift stations, Improvement of Water & Sewer Lines	03J	Activity #4 LMI area benefit	Unit	1*	2953*		4147*	\$327,553.33		
Public Facilities & Improvements	03	Activity #3- LMI area benefit	Unit	7	829		1294	\$345,794.00		
SUBTOTAL			Unit	11	3,081		5,417	\$4,747,015	\$355,000	
TOTALS				45 HU 11 Units 144,150 SF	3,339		9,822	\$6,533,405.00	\$355,000	
							9,822			

*= Duplicate beneficiaries

ATTACHMENT A.1 - PROGRAM BUDGET AND SCOPE OF WORK BY SERVICE AREA

SERVICE AREA:

#4 -- WESTGATE/BELVEDERE HOMES CRA--DRAINAGE AND SANITARY SEWER IMPROVEMENTS

CATEGORY	ACTIVITY		ACCOMPLISHMENTS		BENEFICIARIES			BUDGET		
	NUMBER	DESCRIPTION	UNIT	NUMBER	LMI	VLI	TOTAL	CDBG AMOUNT	OTHER FUNDS	SOURCE
ADMINISTRATION (LIMITED TO 2.5% OF TOTAL ALLOCATION)	21A	ADMINISTRATION								
ENGINEERING	21B	ENGINEERING						\$0		
DOLLARS ALLOCATED FOR AFFORDABLE RENTAL HOUSING										
SUBTOTAL										
ALL OTHER RECOVERY ACTIVITIES										
Construction of drainage and sanitary sewer infrastructure.	03I	Belvedere Homes Drainage & Sewer Improvement Project -- replacement and installation of sanitary sewer system.	Unit	1	2953		4147	2,901,407.00		
	03J	Belvedere Homes Drainage & Sewer Improvement Project -- replacement and installation of sanitary sewer system.	Unit	1*	2953*		4147*	\$327,553.33		
SUBTOTAL			Unit	1	2953		4147	3,228,960.33		
TOTALS			Unit	1	2953		4147	3,228,960.33		
TOTAL UNDUPLICATED BENEFICIARIES (THIS SERVICE AREA)					4147	TOTAL LMI BENEFICIARIES (THIS SERVICE AREA)			2953	

*=Duplicate Beneficiary

ATTACHMENT A.1 - PROGRAM BUDGET AND SCOPE OF WORK BY SERVICE AREA

SERVICE AREA: #9 PBC ENGINEERING -- LIMESTONE CREEK DRAINAGE IMPROVEMENT

CATEGORY	ACTIVITY		ACCOMPLISHMENTS		BENEFICIARIES			BUDGET		
	NUMBER	DESCRIPTION	UNIT	NUMBER	LMI	VLI	TOTAL	CDBG AMOUNT	OTHER FUNDS	SOURCE
ADMINISTRATION (LIMITED TO 2.5% OF TOTAL ALLOCATION)	21A	ADMINISTRATION								
ENGINEERING	21B	ENGINEERING						\$115,024		
DOLLARS ALLOCATED FOR AFFORDABLE RENTAL HOUSING										
SUBTOTAL										
ALL OTHER RECOVERY ACTIVITIES										
Flood & drainage, storm drains	03I	Construction of a storm drainage system on Mitchell Street	Unit	1	260		399	\$812,129		
SUBTOTAL			Unit	1	260		399	\$927,153		
TOTALS			Unit	1	260		399	\$927,153		
TOTAL UNDUPLICATED BENEFICIARIES (THIS SERVICE AREA)					811	TOTAL LMI BENEFICIARIES (THIS SERVICE AREA)			157	

**DEPARTMENT OF ECONOMIC OPPORTUNITY
DISASTER RECOVER INITIATIVE PROGRAM
ACTIVITY WORK PLAN**

**RECIPIENT
CONTRACT NO.
SERVICE AREA**

**PALM BEACH COUNTY
10DB-K4-10-60-01-K29
Service Area (Activity #4)**

**DATE PREPARED
ACTIVITY BUDGET \$
SUBRECIPIENT**

**July 1, 2013
\$3,228,960.33 (Revised)
PBC Water Utilities**

Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be submitted by "Date End"	# Units to be completed by "Date End"	Proposed \$\$ to be Requested by "Date End"	Proposed Administration \$\$ to be Requested by "Date End"
ACTIVITY #4: WESTGATE/BELVEDERE HOMES CRA- BELVEDERE HOMES DRAINAGE & SANITARY SEWER IMPROVEMENT					
July 2013		<u>Status:</u> Construction complete. Final Payment to contractor being processed by WUD			
June 2013	July 2013	Activity is complete; Engineer's Certificate of Completion issued to DES; Final Payment to contractor: \$179,619.33	1	\$179,619.33	

Note: More than one Activity may be included per form.

(Rev. February 2012)

**DEPARTMENT OF ECONOMIC OPPORTUNITY
DISASTER RECOVER INITIATIVE PROGRAM
ACTIVITY WORK PLAN**

**RECIPIENT
CONTRACT NO.
SERVICE AREA**

**PALM BEACH COUNTY
10DB-K4-10-60-01-K29
Service Area (Activity #9)**

**DATE PREPARED
ACTIVITY BUDGET \$
SUBRECIPIENT**

**July 1, 2013
\$927,153 (Revised)
PBC ENGINEERING SERVICES**

Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be submitted by "Date End"	# Units to be completed by "Date End"	Proposed \$\$ to be Requested by "Date End"	Proposed Administration \$\$ to be Requested by "Date End"
ACTIVITY #9: PBC ENGINEERING SERVICES--LIMESTONE CREEK DRAINAGE IMPROVEMENTS					
July 2013		<u>Status: Under Construction (Activity also utilizes funding from DRI 2 - Z Grant): DRI 4 (K Grant) Expended: \$554,327</u>			
June 2013	July 2013	Construction Continues; Activity monitoring continues for construction progress and Davis-Bacon compliance via site visits, employee interviews and payroll reviews; Draw Request: \$300,000		\$300,000	
August 2013	Sept 2013	Activity is complete; Engineer's Certificate of Completion issued to DES; Final Payment to contractor: \$72,826		\$72,826	

Note: More than one Activity may be included per form.

(Rev. February 2012)