

Agenda Item #3.M.1.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 22, 2014

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: Second Amendment to Interlocal Agreement with the Town of Lantana for the funding of Sportsman's Park Improvements to increase the allowable percentage for design and engineering costs.

Summary: This Second Amendment to Agreement, R2009-1012, as amended by R2012-0730, increases the allowable percentage of the total project cost for design and engineering from ten percent (10%) to twenty percent (20%). All other terms of the Agreement, including the funding amount of \$300,000, remain the same. Funding is from the 2004 \$50 Million General Obligation Waterfront Access Bond referendum. District 4 (PK)

Background and Justification: The County entered into an Interlocal Agreement with the Town of Lantana on June 16, 2009, for funding of improvements to Sportsman's Park, which include the design and construction of three sets of docks to be located on both sides of the existing boat ramp. Construction of the new Ocean Avenue Bridge has been completed, and construction of boat docks at Sportsman's Park is nearly complete. Due to the scope, uniqueness and permitting requirements for this waterfront project, design and engineering costs have exceeded ten percent (10%) of the County's funding for the project. The Town has requested that the allowance for design and engineering costs be increased from the County's standard policy of ten percent (10%) to twenty percent (20%). The District Commissioner supports this request.

The Amendment has been executed on behalf of the Town of Lantana and now needs to be approved by the Board of County Commissioners.

Attachments:

1. Second Amendment to Agreement
2. Letter of Request from Town of Lantana

Recommended by: 
Department Director

6/25/14
Date

Approved by: 
Assistant County Administrator

7/14/14
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
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> * see below	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>* 0</u>				

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

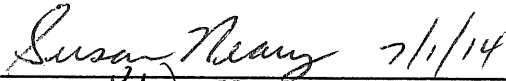
B. Recommended Sources of Funds/Summary of Fiscal Impact:

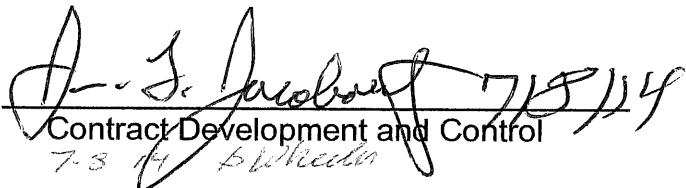
* There is no additional fiscal impact created by this Amendment, as this Amendment is only to revise the percentage of allowable design and engineering costs, not the total project cost. Agreement is encumbered with document # KPO 581 PRCP041310*4 (3038-581-P689-8101).

C. Departmental Fiscal Review: 

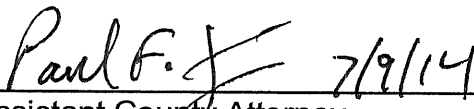
III. REVIEW COMMENTS

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

 7/1/14
 OFMB h/d @ 6/30 7/1

 7/8/14
 Contract Development and Control
 7-3 H. B. Wheeler

B. Legal Sufficiency:

 7/9/14
 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

**SECOND AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN PALM BEACH COUNTY AND THE TOWN OF
LANTANA FOR FUNDING OF SPORTSMAN'S PARK
IMPROVEMENTS**

THIS SECOND 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 Town of Lantana, a Florida municipal corporation, hereinafter referred to as "MUNICIPALITY".

W I T N E S S E T H:

WHEREAS, on June 16, 2009, COUNTY entered into an Interlocal Agreement with MUNICIPALITY (R2009-1012), as amended on May 15, 2012 (R2012-0730), to provide funding in an amount not-to-exceed \$300,000 for design and construction of Sportsman's Park Improvements, hereinafter referred to as "Project"; and

WHEREAS, construction of Project is fully funded by COUNTY and MUNICIPALITY is not required to provide any funding for the design or construction of Project; and

WHEREAS, MUNICIPALITY is responsible for securing all permits and approvals necessary to construct the Project; and

WHEREAS, due to the scope, uniqueness and permitting requirements for this waterfront Project, design and engineering costs have exceeded ten percent (10%) of the COUNTY's funding for the Project; and

WHEREAS, the total Project cost, including the additional design and engineering costs as described above, is expected to be less than \$300,000; and

WHEREAS, both parties desire to amend the Interlocal Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Section 3.06 of this Interlocal Agreement shall be amended to delete "For construction projects fully funded by COUNTY, no more than 10% of COUNTY's funding for the project shall be used for design and engineering costs for the project and be eligible for reimbursement under this Agreement. For construction projects not fully funded by COUNTY, all design and engineering costs associated with the project shall be borne by MUNICIPALITY, and will not be eligible for reimbursement from COUNTY." and to insert "For construction projects fully funded by COUNTY, no more than 20% of COUNTY's funding for the project shall be used for design and engineering costs for the project and be eligible for reimbursement under this Agreement. For construction projects not fully funded by COUNTY, all design and engineering costs associated with the project shall be borne by MUNICIPALITY, and will not be eligible for reimbursement from COUNTY."

2. Section 5.01 of this Interlocal Agreement shall be amended to delete "MUNICIPALITY warrants that the Project shall serve a waterfront access purpose and be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of MUNICIPALITY. MUNICIPALITY shall not discriminate on the basis of race, color, sex, national origin, age, disability, religion, ancestry, marital status, or sexual orientation, gender identity or expression with respect to use of the Project." and to insert "MUNICIPALITY warrants that the Project shall serve a waterfront access purpose and be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of MUNICIPALITY. MUNICIPALITY shall not discriminate on the basis of race, color, sex, national origin, age, disability, religion, ancestry, marital status, sexual orientation, gender identity and expression, or genetic information with respect to use of the Project."

3. 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 AND
COMPTROLLER

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

By: _____

Deputy Clerk

By: _____

Pricilla A. Taylor, Mayor



ATTEST:

By: Sharon R. Bock

Clerk

TOWN OF LANTANA

By: David J. Stewart

David J. Stewart, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____

MUNICIPALITY Attorney

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

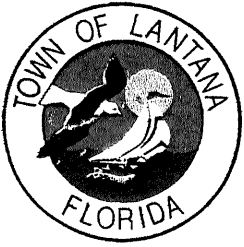
By: _____

COUNTY Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: Eric Call

Eric Call, Director
Parks and Recreation Department



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www.lantana.org

Mayor
David J. Stewart

Councilmembers
Philip J. Aridas
Malcolm Balfour
Tom Deringer
Lynn J. Moorhouse, D.D.S.

Town Manager
Deborah S. Manzo

April 17, 2014

Eric Call, Director
Palm Beach County Parks & Recreation Department
2700 6th Avenue South
Lake Worth, FL 33461

RE: ILA # R2009-1012 Town of Lantana Sportsman's Park Improvements

Dear Mr. Call:

Thank you for clarifying that 10% of engineering costs are reimbursed based on the Sportsman's Park Improvement Grant's original project funds of \$300,000. Although \$30,000 is reimbursable for engineering fees, the projected engineering costs are \$60,000 or 20% of the total allotted project funds due to the scope and uniqueness of the project. Engineering costs for the project are substantial because it is a waterfront project on the Intracoastal Waterway that requires working through Florida Department of Environment Protection's processes and approval for permits.

The town is requesting that the County consider amending the Interlocal Agreement for reimbursement of engineering cost from 10% to 20%. While the cost of engineering services is greater than the 10% within the County's Interlocal Agreement, the project is coming in under cost with a savings of \$43,385.

Also, I want to thank you and Ms. Kopelakis for all the assistance provided to the town throughout this project. If you have any questions or need any additional information, please feel free to contact me at (561) 540-5004 or e-mail at dmanzo@lantana.org. Thank you for considering this request and I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Deborah M - J".

Deborah Manzo
Town Manager

Cc: Mike Greenstein, Public Works Director

*"To Preserve Lantana's
hometown atmosphere
through responsible
government and quality
service."*