

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 5, 2016

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 receive and file: fully executed Amendment No. 1 to Agreement (R2014-0301) for the Florida Fish and Wildlife Conservation Commission (FFWCC) Florida Boating Improvement Program (FBIP) Grant No. 13238 for the Waterway Park Development project extending Phase I project completion date for one year from June 30, 2015, to June 30, 2016, and site dedication from June 30, 2035, to June 30, 2036.

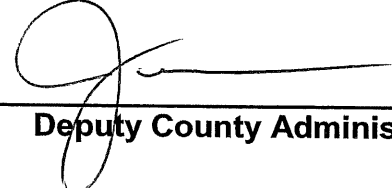
Summary: On May 7, 2013, the Board authorized the County Administrator or designee to execute the funding Agreement as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement for the FFWCC FBIP grant for Waterway Park Development (R2013-0570). The grant was awarded and the Director of the Parks and Recreation Department executed the Grant Agreement on behalf of the County. The Grant Agreement was submitted to the Board on March 11, 2014, to receive and file. Due to environmental permitting delays, the County requested a one year extension to complete the project. A fully executed Amendment No. 1 to Agreement is now being submitted to the Board to receive and file. District 1 (AH)

Background and Justification: The FFWCC offers grants to local governments through the FBIP for public recreation projects directly related to the waterways. Waterway Park will be constructed using \$2,675,000 in FIND WAP grant funds, \$400,000 in FBIP grant funds, and funding from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond referendum. The plans for Waterway Park include a boat launching basin with three concrete boat ramps and four 47'+/- boarding docks; 201 linear feet of staging docks; 54 car/trailer parking spaces; 24 car parking spaces; and a restroom. The Grant Agreement requires Waterway Park to be dedicated as a public boating access facility for the use and benefit of the public for a minimum of 20 years from the date of recordation of the site dedication. Once the project is complete, the site dedication form will be recorded in public records.

Attachment: Amendment No. 1 to Agreement

Recommended by: 
Department Director

3-4-2016
Date

Approved by: 
Deputy County Administrator

3-22-16
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
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>				

Is Item Included in Current Budget? Yes No

Budget Account No.: Fund Department Unit
 Object /Revenue Program N/A

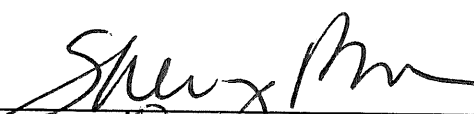
B. Recommended Sources of Funds/Summary of Fiscal Impact:

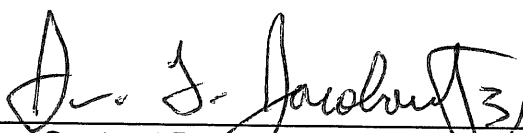

*There is no fiscal impact associated with this item as the Amendment is for a time extension only.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

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


 OFMB ^{5/8} _{3/8} ^{3/8} _{3/8} ^{3/8} _{3/8} ^{3/8} _{3/8} ^{3/8} _{3/8}

 3/21/16
 Contract Development and Control
 3/21/16

B. Legal Sufficiency:

Anne Delport 3-21-16
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 9/2003
 ADM FORM 01

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

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STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

AMENDMENT NO. 1 TO AGREEMENT

This Amendment to Agreement No. 13238, referred to as the Original Agreement, is entered into by and between the FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, whose address is 620 South Meridian Street, Tallahassee, Florida 32399-1600, hereafter "Commission," and the PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, FEID #59-6000785, whose address is 2700 6th Avenue South, Lake Worth, Florida 33461, hereinafter "Grantee", collectively, "Parties".

In consideration of the mutual benefits set forth herein and in the Original Agreement, the parties agree to amend the Original Agreement, as follows, which amendments shall govern to the exclusion of any provision of the Original Agreement to the contrary:

1. Section 3, of the Original Agreement, is hereby amended to read as follows:

Agreement Period and Commission's Limited Obligation to Pay. This Agreement is made pursuant to a grant award and shall be effective upon execution by the last Party to sign, and shall remain in effect through June 30, 2036. However, as authorized by Rule 68-1.003, F.A.C., referenced grant programs may execute Agreements with a retroactive start date of no more than sixty (60) days, provided that approval is granted from the Executive Director or his/her designee and that it is in the best interest of the Commission and State to do so. Agreements executed under this grant award shall not precede a start date of September 1, 2013. For this agreement, the retroactive start date was not approved. The Commission's Grant Manager shall confirm the specific start date of the Agreement by written notice to the Grantee. The Grantee shall not be eligible for reimbursement or compensation for grant activities performed prior to the start date of this Agreement nor after the end date of the Agreement. For this agreement, pre-award costs are not eligible for reimbursement. If necessary, by mutual agreement as evidenced in writing and lawfully executed by the Parties, an Amendment to this Agreement may be executed to lengthen the Agreement period.

2. Section 2, Paragraph A, of Attachment A, Scope of Work, of the Original Agreement is hereby amended to read as follows:

Term of Agreement: The term of the Agreement includes two phases: Phase I, Project Construction, and Phase II, Project Site Management. During Phase I, the Palm Beach County Board of County Commissioners (Grantee) shall complete the tasks and provide the deliverables described in this Scope of Work. **All Phase I activities must be completed by June 30, 2016.** During Phase II, which includes the remaining term of the Agreement, the Grantee shall maintain the project site as a recreational boating access facility open to the public on a first-come, first-served basis.

- 3. Amendment No. 1 to Federal Grant Award FL-F-F14AF00044, "Waterway Park Boat Ramp, Palm Beach County," attached hereto, is made a part of the Original Agreement as Attachment D-1.

All provisions of the ORIGINAL AGREEMENT not specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Agreement to be executed through their duly authorized signatories on the day and year last written below.

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Eric Call

Mark Warren

Name: Eric Call

Name: Mark Warren

Title: Director, Palm Beach County Parks & Recreation

Title: Lt. Colonel

Date: 2-23-16

Date: 2/3/16

Approved as to form and legality by FWC Attorney:

Quilla Miralia

Name: Quilla Miralia

Date: 2-3-16

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Anne Helgard
COUNTY ATTORNEY