

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2018

Consent Regular
 Ordinance 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: **A) approve** a Project Cooperation Agreement with O.B. Pioneer Park, LLC (OBLLC) for the design, permitting and construction of an Orange Bowl Field at Glades Pioneer Park; **B) approve** an Escrow Agreement with OBLLC and Sharon R. Bock in the amount of \$1.5 million for the County's 50% financial match of the project cost; and **C) approve** a \$1,500,000 budget transfer from the General Fund Contingency Reserve to the Orange Bowl Field at Glades Pioneer Park Project budget.

Summary: On March 13, 2018, the Board adopted resolution R2018-0331 authorizing: 1) the acceptance of a donation of goods and services, with conditions, from the Orange Bowl Committee for the Orange Bowl Legacy Gift at Glades Pioneer Park; 2) finding that an emergency exists and it is in the public's interest to waive the Consultant's Competitive Negotiations Act and competitive bidding selection requirements; and 3) authorized the County Administrator or designees to negotiate a Project Agreement with the Orange Bowl Committee for the design and construction of park improvements at Glades Pioneer Park.

For the past several weeks, staff has negotiated a Project Cooperation Agreement with the OBLLC that allows for the OBLLC to donate \$1.5 million towards a renovation project at Glades Pioneer Park provided that the County contribute a matching amount and agree to name the field "Orange Bowl Field at Glades Pioneer Park". The term of the Project Cooperation Agreement is April 10, 2018 until December 15, 2018 or 6 months after the approval of 100% of the Construction Documents, whichever is later. Staff has also negotiated with the OBLLC and the Clerk & Comptroller on an Escrow Agreement for the disbursement of County funds towards the project with Clerk and Comptroller, Sharon R. Bock, serving as Escrow Agent. The Escrow Agreement requires that the County and the OBLLC each indemnify the Clerk and Comptroller, serving as Escrow Agent, 50% equally, against any costs, claims or actions the Escrow Agent may incur as a result of the Escrow Agreement, except for any acts or omission that constitutes willful misconduct, bad faith, breach of fiduciary duty, gross negligence or fraud by the Escrow Agent.

The County's, Parks and Recreation and Facilities Development and Operations Department's design standards will be adhered to throughout the project and are included as part of the Project Cooperation Agreement. Both parties have agreed that \$70,000 of the project funds will be set aside for ongoing monthly specialized maintenance of the synthetic athletic turf for 48 months following project conclusion. **District 6 (AH)**

Background and Policy Issues: On a semi-annual basis, the Orange Bowl Committee collaborates with a local governmental agency on a Legacy Gift Project to make improvements and upgrades to an existing park. (Continued on page 3)

Attachments:

1. Project Cooperation Agreement
2. Escrow Agreement
3. Budget Transfer

Recommended by: 
Department Director

3/29/18
Date

Approved by: 
Deputy County Administrator

4/6/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	<u>\$1,500,000</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	*\$1,500,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>				

Is Item Included in Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No.: Fund 0001 Department 582 Unit 5510
 Object 8201 Revenue Source _____ Program _____

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

*The total project cost is estimated to be \$3,000,000 with a 50% match requirement from the County. \$1.5 million dollars will be allocated from the General Fund Contingency Reserve to fund the County's matching financial portion of this project.

C. Departmental Fiscal Review: [Signature] 3/29/18

III. REVIEW COMMENTS

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

[Signature] 4/3/18
 OFMB [Signature] 4/3/18 [Signature] AK 4/2 sp3/30

[Signature] 4/4/18
 Contract Development & Control 4/4/18

B. Legal Sufficiency:

Anne Adelgent 4-6-18
 Assistant County Attorney

At the time of our review the documents were not available.

C. Other Departmental Review:

 Department Director

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

(Background and Justification continued from Page 1)

In prior years, Orange Bowl Committee projects were accomplished in Miami-Dade and Broward counties. This year, the Committee has selected Palm Beach County's Glades Pioneer Park in Belle Glade as their project location. As they have done in all previous projects, the Orange Bowl Committee has offered to design, permit, and construct a project that may include two phases. Phase I (\$2,100,000), shall consist of a synthetic athletic field, electronic scoreboard, goals, entry monument and related Orange Bowl theming, renovated walkway, site security and maintenance. Phase II shall consist of remodeling of the club building, furniture, fixtures and equipment, themed playground renovation, parking area improvements, site lighting upgrades and certain associated improvements, if funding is available. Phase II (\$900,000), will be implemented upon mutual agreement by both parties, and as long as OBLLC is not subject to any claims or clauses of actions upon completion of Phase I. The project serves a public purpose in that it will beautify the area, improve community activity and create an asset for the people of Palm Beach County, particularly those residing in the Glades region. The Project Cooperation Agreement requires the Orange Bowl Committee to contribute \$1.5 million towards the project with County contributing an equal amount. The Project Cooperation Agreement provides for placement of commemorative donor signage, upon approval by the County, and provides that neither party shall be liable to the other party for incidental, consequential, special, punitive, or exemplary damages. An Escrow Agreement will establish a project account in which County funds can be disbursed to fund the project. The County's funding portion will come from General Fund Contingency Reserves. It is anticipated that there will be no ad valorem increase required for the maintenance of the park improvements.

18- 0596

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER


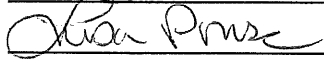
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BGEX 580 03281800000000001120

FUND 0001 - GENERAL FUND

ACCT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED 03/28/18	REMAINING BALANCE
Reserves								
0001-820-9900-9901	Contingency Reserves	20,000,000	19,860,500		1,500,000	18,360,500	0	18,360,500
Orange Bowl Field at Glades Pioneer Park								
0001-582-5510-8201	Contributions Non-Governmental Agencies	0	0	1,500,000	0	1,500,000		1,500,000
TOTAL				1,500,000	1,500,000			

Parks and Recreation Department
INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures	Date
	4-9-18
	4/3/18

By Board of County Commissioners
At Meeting of
April 10, 2018
Deputy Clerk to the Court