PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	June 4, 2019	[X] Consent [] Ordinance	[] Regular [] Public Hearing			
Department:	Department of Hou	using and Economic Sustainability				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Receive and File: the following documents:

- A) Amendment 001 to the Loan Agreement (R2018-0276) with HTG Heron Estates Senior, LLC, under the State Housing Initiatives Partnership (SHIP) Program;
- B) Amendment 001 to the Agreement (R2018-1998) with the City of Greenacres under the Community Development Block Grant (CDBG) Program; and
- C) Amendment 001 to the Agreement (R2018-0271) with the Pahokee Housing Authority under the CDBG Program.

Summary: Amendment 001 with HTG Heron Estates Senior, LLC, extends the loan drawdown deadline for the Heron Estates Senior Apartments project, a 101 unit affordable rental project in Riviera Beach. Amendment 001 with the City of Greenacres revises the Monthly Performance Requirements for project implementation. Amendment 001 with the Pahokee Housing Authority allocates an additional \$340,000 in CDBG funding for additional sewer improvements at two of its properties and extended the project completion date by thirty (30) days. The attached documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 3I-6, 5C-5, and 3I-1, as approved by the BCC on March 13, 2018, and July 10, 2018. 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. Federal CDBG and State SHIP funds do not require a local match. Districts 2, 6 & 7 (JB)

Background and Justification: A) On March 13, 2018, the County entered into a Loan Agreement (R2018-0276) with HTG Heron Estates Senior, LLC, to provide \$115,000 in SHIP funds towards the construction of 101 affordable apartments on North Congress Avenue in Riviera Beach. The borrower was not able to drawdown the loan funds by October 15, 2018, and requested an extension to do so. Amendment 001 entered into on April 12, 2019, provided an extension to May 31, 2019. (District 7)

Continued on Page 3

Attachment(s): as listed in A through C above

Recommended B	sy:Serry Adural	5-22-19
	Department Director	Date
Approved By:	Jaine Jichann	5/29/A
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs	\$340,000	1			
External Revenues	(340,000)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	0	T			
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# ADDITIONAL FTE					
POSITIONS (Cumulative)					
		ral funds?	res <u>X</u>	No	
Does this Item include th ⁻ und Dept U 3. Recommended So	nit Obje	ect Pro	ogram Code	/Period	_
⁻ und Dept U	nit Obje urces of Funds enda item will for the Pahoke ng project for al Review:	ect Pro s/Summary of appropriate	ogram Code of Fiscal Im additional (uthority for	/Period pact: Community 1 the Padgett	Developmen
Fund Dept U 3. Recommended So Approval of this ag	nit Obje urces of Funds and item will for the Pahoke ng project for al Review: S	ect Pro s/Summary of appropriate e Housing Au \$340,000.	ogram Code of Fiscal Im additional (uthority for thority for	/Period pact: Community 1 the Padgett	Developmen

Contract Develop

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

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B. Legal Sufficiency:

5/28/19 Assistant County Attorney

C. Other Department Review:

Department Director

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Background and Justification: Continued from Page 1

B) On October 15, 2018, the County entered into an Agreement (R2018-1998) with the City of Greenacres to provide \$159,265 in CDBG funds for drainage improvements along alleyways leading to the First Street drainage system. Amendment 001 entered into on April 19, 2019, revises the Monthly Performance Requirements related to project implementation. (District 2)

C) On March 13, 2018, the County entered into an Agreement (R2018-0271) with the Pahokee Housing Authority to provide \$600,000 in CDBG funds for sanitary sewer improvements at Fremd Village and Padgett Island. Amendment 001, entered into on April 29, 2019, provides an additional \$340,000 in CDBG funds for further sanitary sewer improvements and extends the Agreement thirty (30) days. (District 6)

AMENDMENT 001 TO THE LOAN AGREEMENT WITH HTG HERON ESTATES SENIOR, LLC

APR 1 2 2019

Amendment 001 to the Loan Agreement is made and entered into on ______, by and between **PALM BEACH COUNTY** ("County") and **HTG HERON ESTATES SENIOR**, **LLC** ("Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2018-0276), with the Borrower on March 13, 2018, to provide \$115,000 in State Housing Initiatives Partnership (SHIP) Program funds for the construction of 101 affordable rental units to be known as Heron Estates Senior Apartments; and

WHEREAS, the parties wish to modify the Loan Agreement to extend the loan drawdown deadline.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A. RECITALS

The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

B. SECTION 2: THE LOAN AND LOAN EXPENDITURE REQUIREMENTS

The last sentence of Section 2 is revised to replace "October 15, 2018" with "May 31, 2019".

Except as modified by this Amendment 001, the Loan Agreement, remains unmodified and in full force and effect in accordance with the terms thereof.

This Amendment 001 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

AMENDMENT 001 TO THE LOAN AGREEMENT WITH HTG HERON ESTATES SENIOR, LLC

IN WITNESS WHEREOF, the Borrower and the County have caused this Amendment 001 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Witnesses: tu

Witness Signature

Horiel Hayne Print Witness Name

Witness Signature

Mauricio Teran **Print Witness Name**

STATE OF FLORIDA COUNTY OF MIAMI-DADE

BORROWER:

HTG HERON ESTATES SENIOR, LLC a Florida limited liability company

By: HTG Heron Estates Senior Manager, LLC a Florida limited liability company, its Manager

By: Matthew Rieger, Manager

The foregoing instrument was acknowledged before me this $\underline{-4}$ day of, April _, 20*[9*_, by Matthew Rieger, as Manager of HTG Heron Estates Senior Manager, LLC, the Manager of HTG Heron Estates Senior, LLC, who is personally known to me, or who has produced as identification and who did/did not take an oath.



(NOTARY SEAL ABOVE)

Notary Name: Maurido Teran Notary Public - State of Florida

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

FOR ITS BOARD OF COUNTY COMMISSIONERS

By:

Jonathan B. Brown, Director Dept. of Housing and Economic Sustainability

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

By: Sherry Howard Deputy Director

Approved as to Form and Legal Sufficiency

By:

James Brako.

Assistant County Attorney

STATE OF FLORIDA **COUNTY OF PALM BAECH**

The foregoing instrument was acknowledged before me this $\frac{1}{2}$ _ day of, <u>(</u> by Jonathan B. Brown, as Director of the Dept. of Housing and Economic Sustainability of PALM BEACH COUNTY, a political subdivision of the State of Florida. Said person is personally known to me, or has produced ______ as identification and



(NOTARY SEAL ABOVE)

did/did not take an oath.

Signature Notary Name: Carmen

Sed Notary Public - State of Florida

AMENDMENT 001 TO THE AGREEMENT WITH <u>CITY OF GREENACRES</u>

Amendment 001 entered into on <u>Apeir 19, 2019</u> by and between Palm Beach County and the City of Greenacres.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2018-1998) with the City of Greenacres on October 15, 2018, to provide \$159,265 of Community Development Block Grant (CDBG) funds for drainage improvements along alleyways leading to the First Street drainage system in the City of Greenacres; and

WHEREAS, the City has requested the County to update the monthly performance requirements contained in the Agreement; and

WHEREAS, both parties desire to amend the original Agreement in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A. INCORPORATION OF RECITALS

The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

B. <u>EXHIBIT A – WORK PROGRAM NARRATIVE: SECTION I.G – MONTHLY</u> <u>PERFORMANCE REQUIREMENTS</u>

Delete the Monthly Performance Requirements and dates and replace them with the following:

Advertise, Accept Bids and Award Contract by:May 2019Start Construction by:June 201933% of Funds Expended by:July 15, 2019Complete Construction by:October 2019Submit Final Reimbursement by:November 2019100% of Funds Expended by:December 2019

NOTE: 100% of these CDBG funds awarded must be expended by December 31, 2019 and all necessary reimbursement documentation to meet this expenditure requirement must be submitted to HES, no later than November 1, 2019.

Except as modified by this Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 001 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Municipality and the County have caused this Amendment 001 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)



CITY OF GREENACRES
By: Joel Th
Joel/Flores, Mayor
By: Muledy Jaroon
Melody Larson, CMC, Acting City Clerk
By:
Attorney for Municipality (Optional)

PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida For its BOARD OF COUNTY COMMISSIONERS

Department of Housing & Economic Sustainability

By:

Johathan B. Brown, Director Department of Housing & Economic Sustainability

Approved as to Form and Legal Sufficiency

By: James/Brako

Assistant County Attorney

By: Deputy Director

Approved as to Terms and Conditions

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AMENDMENT 001 TO THE AGREEMENT WITH PAHOKEE HOUSING AUTHORITY, INC.

Amendment 001 entered into on April 29, 2019, by and between Palm Beach County and the Pahokee Housing Authority, Inc.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2018-0271) with the Pahokee Housing Authority, Inc., on March 13, 2018, to provide \$600,000 of Community Development Block Grant (CDBG) funds for sanitary sewer improvements at their properties at Fremd Village and Padgett Island; and

WHEREAS, the Housing Authority has requested \$340,000 in additional CDBG funds to accommodate further sanitary sewer improvements to repair existing building laterals; and

WHEREAS, both parties desire to amend the original Agreement in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A. **INCORPORATION OF RECITALS** The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

B. **SECTION 6: MAXIMUM COMPENSATION** Replace "\$600,000" with."940,000" and replace "June 30, 2019" with "July 31, 2019".

C. SECTION 7: TIME OF PERFORMANCE

Replace "June 30, 2019" with "July 31, 2019".

D. **EXHIBIT A-1: SECTION 1-G: MONTHLY PERFORMANCE REQUIREMENTS**

Replace "June 30, 2019" with "July 31, 2019"; and revise the performance requirements below to read as follows:

50% of Additional Funds Expended by: Construction Complete by: Submit Final Reimbursement by: 100% of Funds Expended by:

May 2019 June 2019 June 2019 July 2019

E. **EXHIBIT A – SECTION 2 - A**

Replace "\$600,000" with."940,000".

Except as modified by this Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 001 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Agency and the County have caused this Amendment 001 to be executed on the date first above written.

(SEAL BELOW)

PAHOKEE HOUSING AUTHORITY, INC. By: Omega Graham, Chairperson By: Satyam Polineni, Executive Director

By: Attorney for Housing Authority (Optional)

PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida For its BOARD OF COUNTY COMMISSIONERS

By: Johathan B. Brown, Director Department of Housing & Economic Sustainability

Department of Housing & Economic Sustainability

Approved as to Form and Legal Sufficiency

By: James rako

Assistant County Attorney

Bv: Sherry Howard Deputy Director

Approved as to Terms and Conditions

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