5E-3

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	**Date: June 18, 2019**	**[ ] Consent**	**[X] Regular**
		[ ] Ordinance	**[ ] Public Hearing**

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment Two to Interlocal Agreement with the Town of Lake Park (Town) which provides a one (1) year extension of the timeframe for performance of certain Town obligations under the existing Lake Park Marina Interlocal Agreement with the County (R2010-1943) and authorizes the Town to issue a Request for Proposals (RFP) or conduct a Public Private Partnership (PPP) Procurement Process for redevelopment of the Town's Marina property.

Summary: On November 16, 2010, the County and Town entered into an Interlocal Agreement which provided the Town with $2.4 Million for acquisition of .8 acres of land adjacent to the Marina for expansion of boat trailer parking. The Town closed on the acquisition in December of 2010 using the County's grant funding. The Interlocal Agreement required the Town to complete the boat trailer parking lot expansion, which the Town did. The Interlocal Agreement also required the Town to reconfigure the trailer parking lot and develop a pedestrian promenade, which the Town has not pursued pending adoption of changes to its Comp Plan and zoning regulations designed to encourage high intensity mixed use redevelopment. The Town has recently adopted the contemplated changes to its Comp Plan and zoning regulations and is seeking the County's approval to select a developer for redevelopment of the Town's Marina property, including the property purchased with County grant funding and other adjacent privately owned property. The Town will either issue an RFP or utilize the PPP procurement process established under F.S. Section 255.065, which allows for direct negotiations with a selected developer. This Amendment Two provides the Town one (1) year in which to conduct its RFP or PPP procurement process. The Town will require that developers incorporate as many of the existing boat trailer parking spaces as possible into the ground floor of the redevelopment, with passenger vehicle parking, retail and residential development built over the top of the trailer parking. Developers will also be required to include restaurants, the promenade and other uses which would provide increased public access to and use of the waterfront and Marina. Upon selection of a proposal which meets the requirements set forth above, County and Town staff will prepare another amendment to the Interlocal Agreement and present it to the Board for approval. Staff supports the Town's concept for redevelopment and selection of a developer through either the RFP or PPP procurement process. While the Town is well behind the timeframes for completing improvements required by the Interlocal Agreement, this is a large and complicated project for the Town which if ultimately completed will fulfill the objectives of the Waterfront Bond Issue to increase public access to the water and will also assist the Town in accomplishing its economic redevelopment objectives. The Town has prepared a presentation to the Board providing more detailed information on its request. **(PREM) District 1 (HJF)**

Background and Policy Issues: **Continued on Page 3**

Attachments:

1. Location Map
2. Amendment Two to Interlocal Agreement
3. Town's Power Point Presentation

Recommended By: _____ 5/27/19
Department Director **Date**

Approved By: _____ 6/11/19
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget: Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No X

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

No fiscal impact.

Fixed Assets Number N/A

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

5/29/19
OFMB 5/29

6/14/19
Contract Development and Control

B. Legal Sufficiency:

6/6/19
Assistant County Attorney
ILA not signed by Lake Park at time of CAO Review

C. Other Department Review:

_____
Department Director

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

Background and Policy Issues: The original Interlocal Agreement with the Town (R2010-1943) provided $2.4Million to the Town for acquisition of .8 acres at the NE corner of Silver Beach Road and US-1. The Interlocal Agreement required the Town to develop the property in phases. The first phase required the Town to demolish the existing metal building and to repave and stripe the property so that it could be used for boat trailer parking within two years. The Town timely completed the Phase 1 work. In Phase 2 the Town was required, subject to receipt of grant funding, to close Lake Shore Drive and create a pedestrian promenade along the waterfront within 5 years (November 2015).

Subsequent to approval of the Interlocal Agreement, residents of the Town became concerned about the requirement to close Lake Shore Drive. In 2014, the Town and County approved Amendment One to the Interlocal Agreement (R2014-0356) which only required closure of one lane of Lake Shore Drive and reduced the size of the pedestrian promenade and introduced a new requirement to reconfigure the boat trailer circulation and parking areas to provide longer trailer parking spaces and improve circulation.

Amendment One to the Interlocal Agreement required the Town to construct the pedestrian promenade, subject to receipt of grant funding, by November of 2015 and to reconfigure the trailer parking lot by March 2016. The Town has been unable to obtain grant funding and has struggled to provide adequate funding for the required improvements. The Town requires the assistance of private developers to accomplish their objectives. However, in order to attract private developers, the Town needed to revise its zoning regulations to allow for high intensity mixed use development along the US-1 corridor, including the marina and surrounding properties. The Town has recently adopted those changes and has several developers interested in the opportunity to build a project in this area.

The Town desires to obtain proposals from private developers for development of a mixed use project on land owned by the Town and adjacent privately owned property. The Town contemplates that they will either issue a RFP or will utilize the provisions of F.S. Section 255.065 which establishes alternative procurement requirements for Public Private Partnerships. Under either process, the Town will require that proposals specify the number of boat trailer parking spaces to be provided with the goal of no net loss of spaces. In addition, the Town will require developers to design and construct the pedestrian promenade. Proposals will be evaluated based upon inclusion of uses such as restaurants which will attract people to the waterfront. The Town has agreed to provide County staff an opportunity to review the procurement documents prior to issuance. Staff will work with the Town to ensure that the Town requires preservation of as many trailer parking spaces as possible, includes a requirement to construct the pedestrian promenade, and will provide for development of uses such as restaurants and outdoor areas which will encourage public use and enjoyment of the waterfront. Ultimately, the Town will have to obtain County approval of the selected proposal and the plans for use of the trailer parking area and a further amendment to the Interlocal Amendment.

The County's only remedy for a default under the existing Interlocal Agreement is to demand that the Town pay back the $2.4 Million in grant funding provided by the County for acquisition of the .8 acres. The County funding and the restrictions on use of the .8 acres have enabled the County to ensure that the Town continues to provide a boat ramp and trailer parking area, and to maintain some influence over Town decisions regarding the Marina, including its redevelopment. The Town could decide that they will simply pay back the grant and be released from all further obligation under the Interlocal Agreement.

Staff believes that the Town's concept for redevelopment of the properties surrounding the Marina is consistent with the objectives of the Waterfront bond and will increase public access to and use of the waterfront and Marina. As such, staff recommends that the Town be provided one year to issue the RFP/PPP, conclude the selection process and provide a plan for providing improvements to the trailer parking area and construction of the promenade.

36-43-42-21-00-004-0010

April 17, 2019

ATTACHMENT 1
Location Map
Page 1 of 1

1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

ATTACHMENT 2

Amendment Two to Interlocal Agreement with

The Town of Lake Park (2 originals 3pages each)

AMENDMENT TWO TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF LAKE PARK

THIS AMENDMENT TWO TO INTERLOCAL AGREEMENT is made and entered into on _____, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "COUNTY", and the Town of Lake Park, a Florida municipal corporation, hereinafter referred to as "MUNICIPALITY".

W I T N E S S E T H:

WHEREAS, on November 16, 2010 the COUNTY and MUNICIPALITY entered into an Interlocal Agreement (R2010-1943) for funding of additional boat trailer parking and increased access to the Lake Park Marina (the "Interlocal Agreement"); and

WHEREAS, on March 11, 2014 the COUNTY and MUNICIPALITY entered into Amendment One to the Interlocal Agreement (R2014-0356) to modify the work to be performed in Phases 1A and 1B of the project and extend the required time frames for completion; and

WHEREAS, the MUNCIPALITY has been unable to obtain funding to complete the work and requires assistance from private developers in order to complete the project; and

WHEREAS, the MUNICIPALITY desires to obtain proposals from private developers to redevelop the Marina, boat trailer parking and surrounding privately owned properties; and

WEHEREAS, COUNTY is willing to extend all time frames for Municipality's performance of its obligations hereunder.

NOW, THEREFORE, the parties hereto agree as follows:

1. The MUNICIPALITY shall issue a Request for Proposals, and/or utilize the Public Private Partnership procurement process established under F.S. Section 255.065, seeking developers willing to redevelop the Marina, boat ramp and trailer parking areas, and surrounding privately owned property. The Town shall provide COUNTY staff with drafts of the procurement documentation for County staff review and comment.

2. All proposals must incorporate as many as possible existing boat trailer parking spaces within the proposed development on the ground floor of parking garages or surface parking areas, and provide a boat ramp comparable to the existing ramp. In addition, proposals must include within the mix of proposed development, the promenade, restaurants, retail, residential units and other uses which provide increased public access to and use of the waterfront and Marina.

3. The MUNICIPALITY shall complete the Request for Proposals and/or the Public Private Partnership process within one (1) year of the date hereof and shall present the proposal selected by MUNICIPALITY as the most responsive to the Board of County Commissioners for their review. If the Board finds that the proposal selected by MUNICIPALITY meets the

requirements of this Interlocal Agreement and fulfills the objectives of the Waterfront Bond issue, the parties shall negotiate a further amendment documenting the actions required by MUNICIPALITY to implement said proposal and the time frame therefor. If the Board does not approve the selected proposal and enter into a further amendment to this Interlocal Agreement, the Town shall be obligated to repay the grant funding provided to MUNICIPALITY.

4. Capitalized terms not defined within this Amendment Two shall have the same meaning herein as within the Interlocal Agreement. Except as modified by this Amendment Two, the Interlocal Agreement remains unmodified and in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Amendment Two to Interlocal Agreement to be executed on the day and year first above written.

ATTEST:
SHARON R. BOCK,
CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Mack Bernard, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS:

By: _____
Department Director

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

TOWN OF LAKE PARK

By: _____
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Municipality Attorney

G:\PREM\Dianne\Lake Park\Amendment Two.docx 5.10.19

ATTACHMENT 3

Town's Power Point Presentation (21 pages)

REINVENTING THE LAKE PARK HARBOR MARINA

TOWN OF LAKE PARK

John D'Agostino, Town Manager

Bruce Butcher, Dockmaster

Nadia Di Tommaso, Community Development Director

PBC BCC Meeting – June 18, 2019

HISTORY

- 115 Federal Highway (0.15 acre site) on the northeast corner of US-1/Silver Beach Road was purchased by Palm Beach County utilizing a Waterfront Access Bond in 2010 for $2.4M

- Palm Beach County entered into an Interlocal Agreement (#R2010-1943) with the Town of Lake Park to provide for the acquisition of 115 Federal Highway and additional provisions to ensure additional waterfront access measures would be undertaken

HISTORY (continued)

- The measures included the incorporation of 30 additional boat trailer spaces (for a total of approximately 64 spaces); an additional 16 standard vehicular spaces; along with a pedestrian promenade and a waterfront restaurant and retail improvements, contingent on private investments and available grant monies

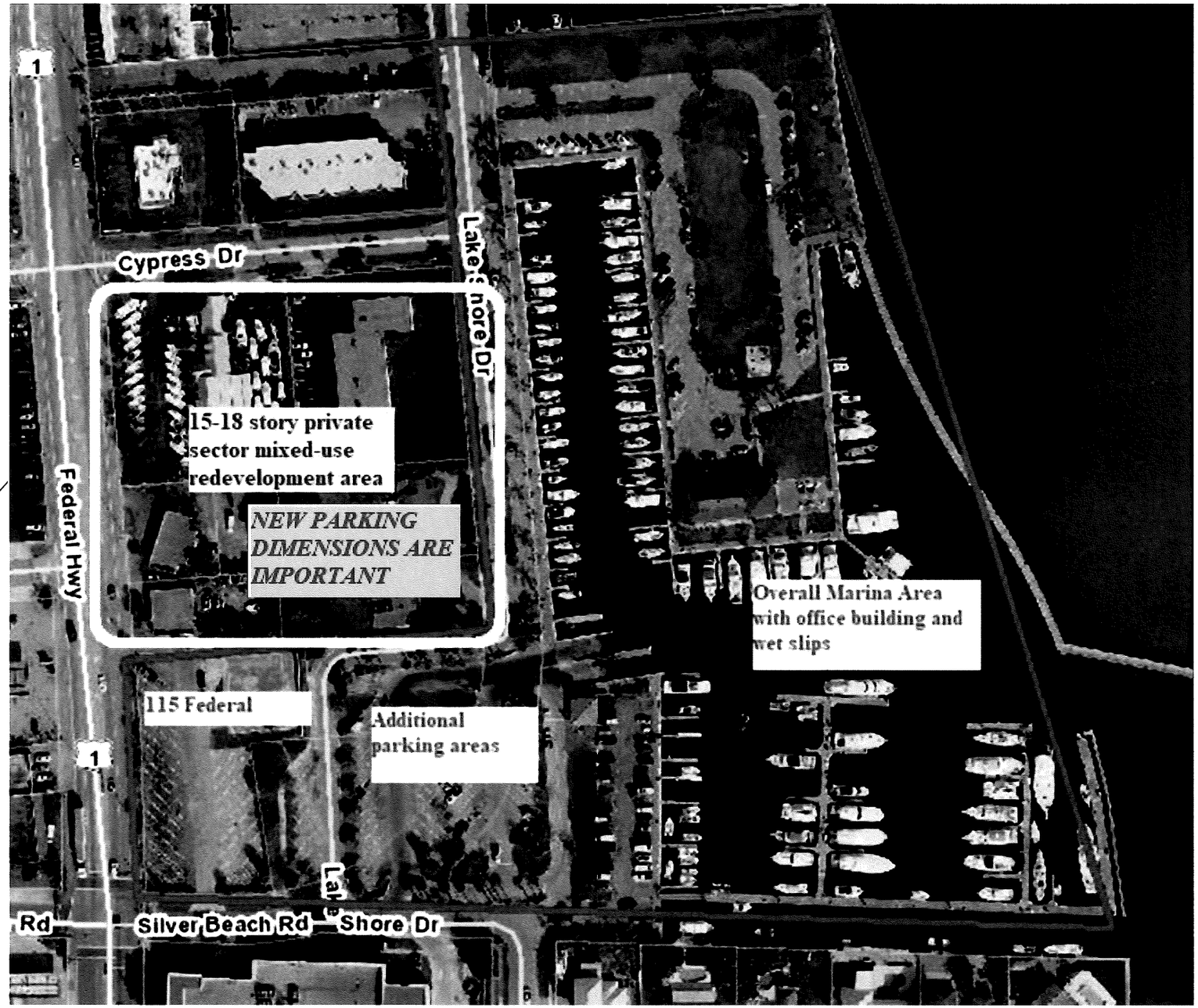
- An amendment to the Interlocal Agreement was entered into in 2014 (#R2014-0356) to reduce the required boat trailer spaces to 27 and standard vehicular spaces to 6, *along with a revision to the Pedestrian Promenade requirement so that it would only be required on one side of the street instead of on both sides which would result in full street closure*

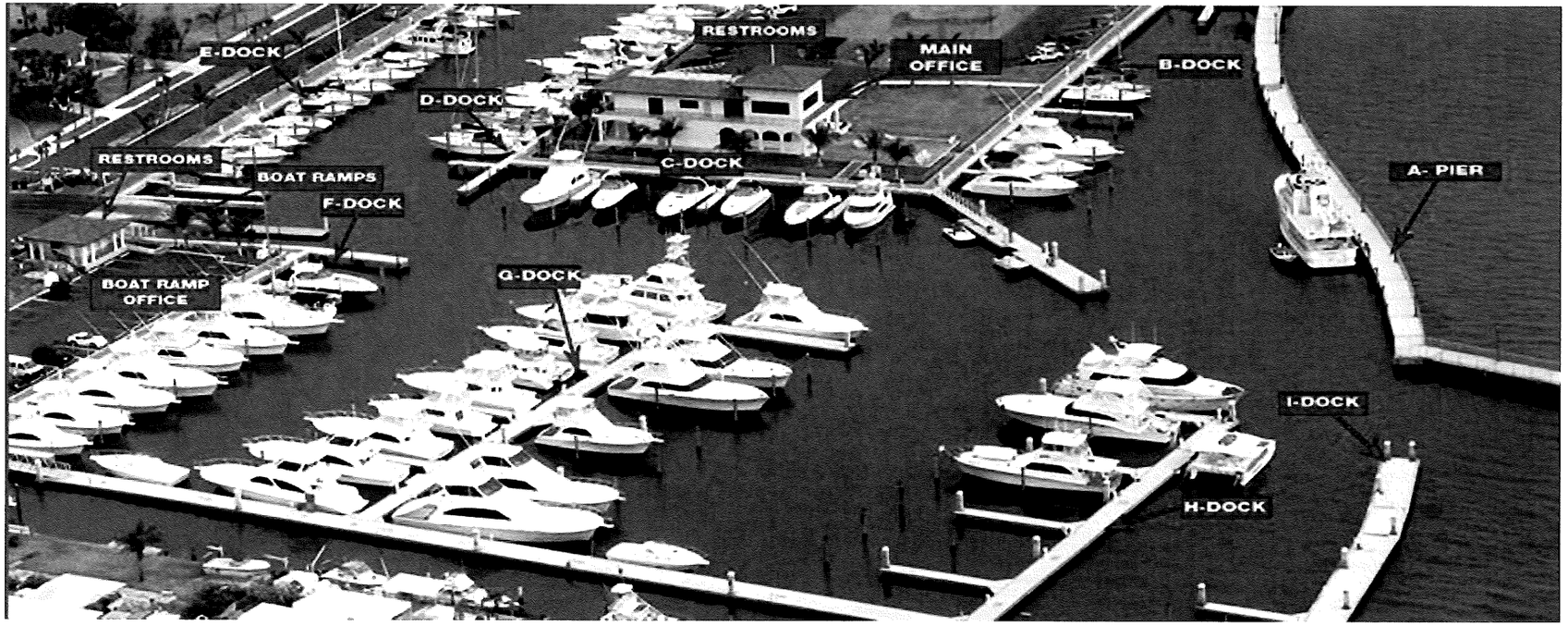
EXISTING CONDITIONS

- Over the past few years, the Town has created an additional 23 boat trailer spaces, inclusive of 1 ADA boat trailer space

- Due to land area feasibility; inadequate funding; and undesirable land development regulations, the additional parking requirements, a pedestrian promenade and private investment for a waterfront restaurant and retail components have not been secured

LOCATION MAP





Existing Conditions at 115 Federal Highway

RECENT DEVELOPMENTS

- In order to attract private investment to the entire US-1 corridor, including within the Marina parking areas, the Town invested $180K in hiring a consultant to assist in developing the necessary land development regulations that would not only provide the pedestrian promenade and waterfront restaurant and retail components, but additional public waterfront areas in conjunction with mixed-use development

- **COMPREHENSIVE MIXED-USE LAND DEVELOPMENT REGULATIONS WERE ADOPTED IN APRIL 2018**

Existing CHALLENGE

- Implementing Mixed-Use development (through a public private partnership) that addresses overall Marina functionality while keeping the following in mind:

→ boat trailer parking spaces (salt water) are now required to be a minimum of 60 feet in length by 11 feet in width for adequate usability, while in the past both fresh water and salt water spaces were designed to be an average of 42 feet x 10 feet

→ **Ramp access and clearances need to be re-evaluated in order to optimize circulation patterns**

(this will be important in the redesign of the Marina parking areas)

Existing CHALLENGE

Less than 50% of current USERS can actually fit in pre-existing spaces

Existing CHALLENGE

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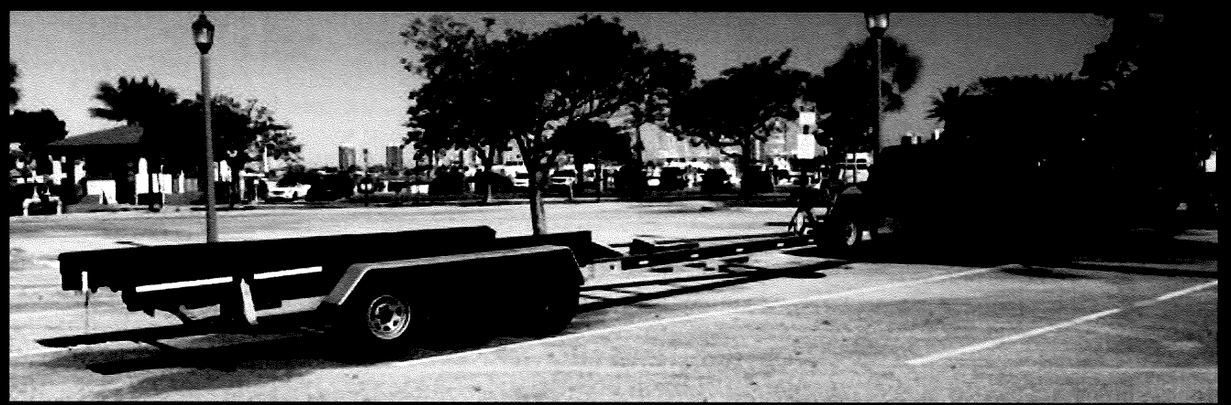


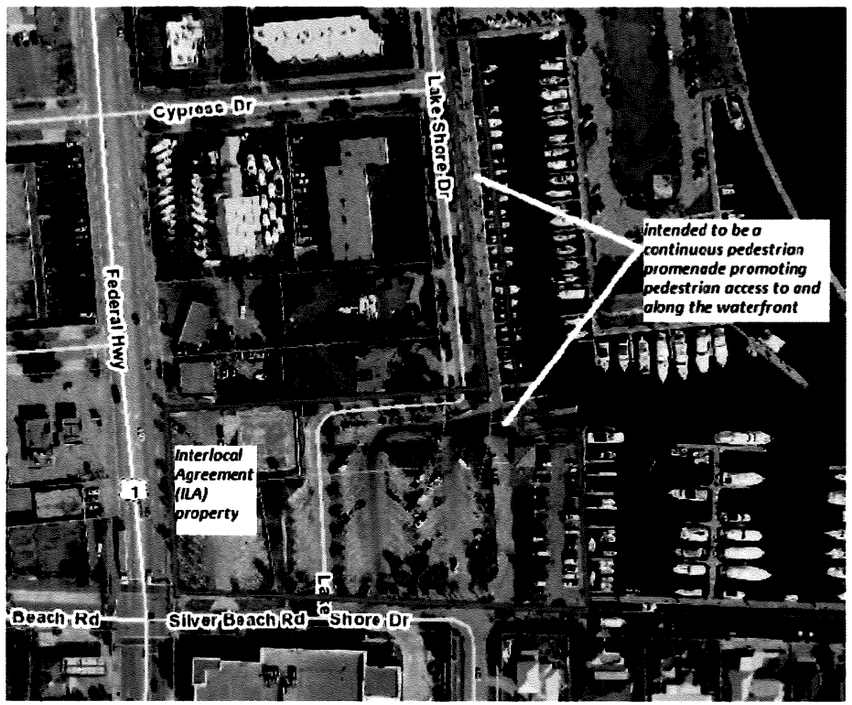
Existing CHALLENGE (the SOLUTION)

SOLICIT PROPOSALS FOR A PUBLIC-PRIVATE PARTNERSHIP!

The Town of Lake Park has recently revised its land use and zoning regulations to encourage private investment and mixed-use development. The area of focus is a prime real estate waterfront property that runs along the west side of the Lake Park Marina (intracoastal). It includes publicly-owned parcels which are intended to redevelop through a public-private partnership. The objectives of such partnership will create a mixed-use tower development with ground floor commercial, retail, office, structured garage, and hotel and living units above, increased access to the Marina boat ramp, provide boat trailer parking, provide a continuous pedestrian promenade along the waterfront, and provide an open public marketplace space.

Existing CHALLENGE (the SOLUTION) *continued…*

SOLICIT PROPOSALS FOR A PUBLIC-PRIVATE PARTNERSHIP!

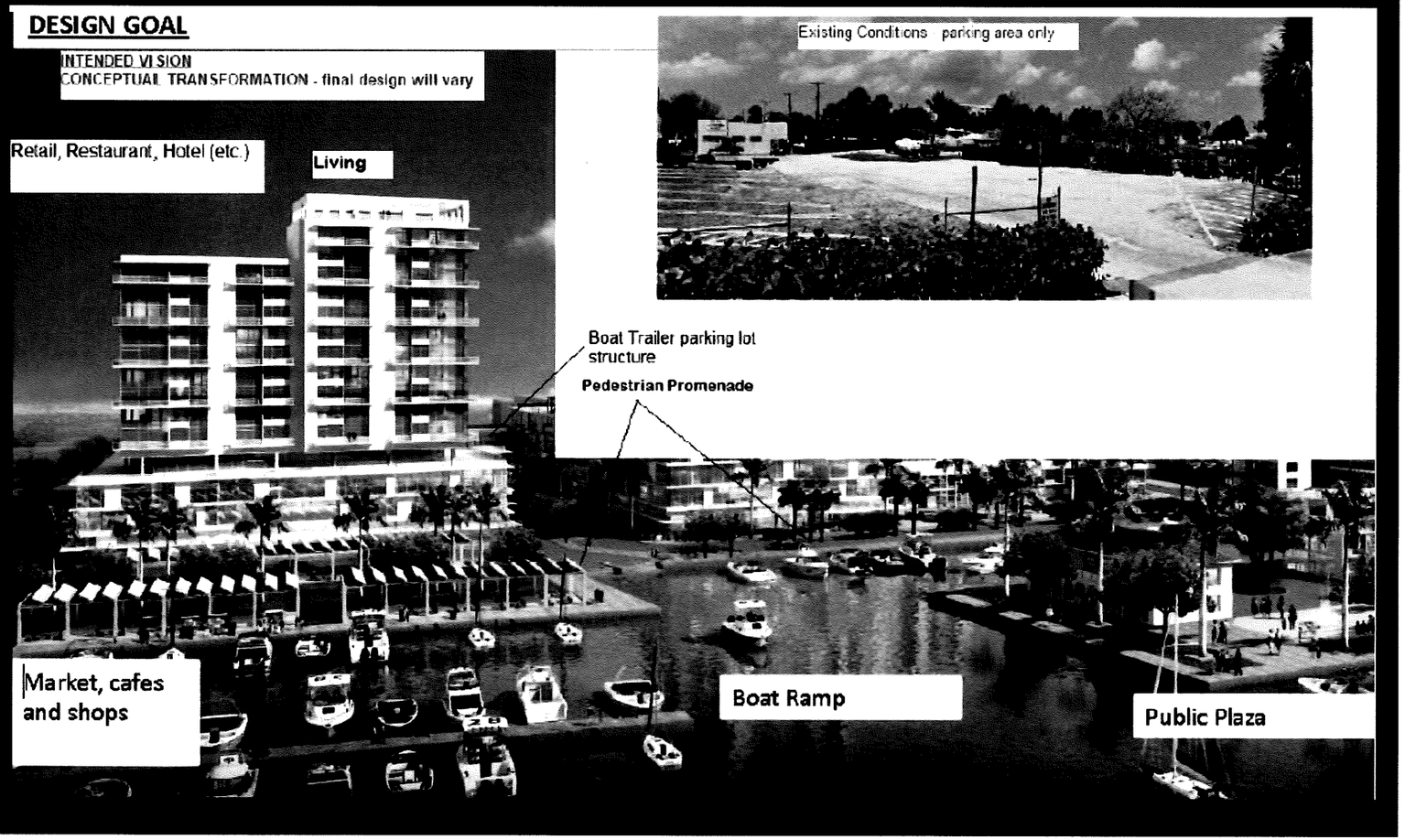


PUBLIC-PRIVATE PARTNERSHIP OBJECTIVES

- Increased access to the waterfront and Marina boat ramp
- Retention and increase in much needed boat trailer parking spaces and passenger vehicle parking spaces through the development of a parking garage structure with additional private-sector and marine-related uses
- Provision of a continuous pedestrian promenade along the waterfront intended to provide pedestrian access to the Marina, the Intracoastal Waterway, and other waterways for both boaters and non-boaters
- A mixed-use environment that is geared towards new commercial and residential development with a potential to build up to 15-storey structures in certain areas within the site

Existing CHALLENGE (the SOLUTION) *continued…*

SOLICIT PROPOSALS FOR A PUBLIC-PRIVATE PARTNERSHIP!



VISION

(conceptual only)

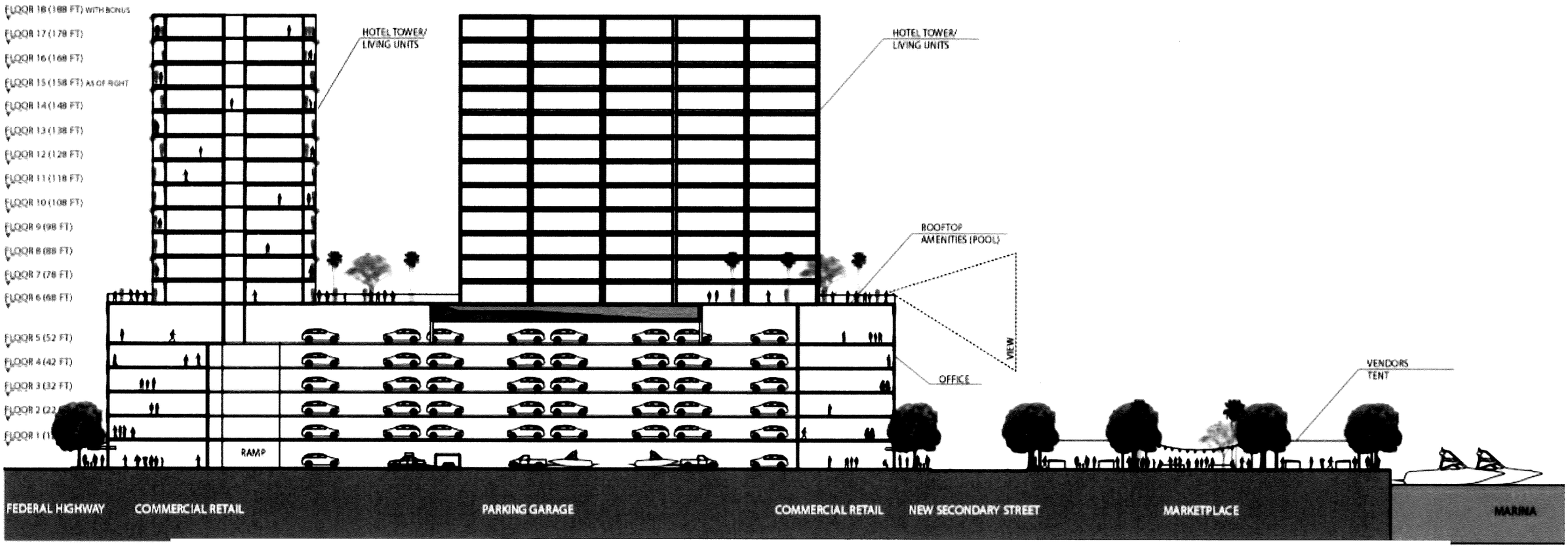


Illustration of potential mixed-use waterfront development cross section showing the building relationship to the street and open space

VISION

(conceptual only)

Illustration of potential mixed-use waterfront development

VISION
(conceptual only)

Illustration of potential Lake Shore Drive streetscape improvements

REQUEST

The Town is requesting to move forward with a public solicitation FOR DEVELOPER QUALIFICATIONS

- In order to maximize the Marina's overall functionality and waterfront accessibility; and implement a mixed-use development concept that is BUILDABLE through a private-public partnership, the Town will need to solicit proposals from a group of qualified firms, one of which will need to be experienced in Marina redevelopment

HOW DOES THIS IMPACT THE EXISTING INTERLOCAL AGREEMENT?

Upon receipt of proposals, the Town will be better positioned to bring forward a request to amend the existing Interlocal in a way that **WORKS** and **ENSURES** the future viability and waterfront accessibility of the Lake Park Harbor Marina based on its intended purpose.

CONCLUSION

While several years have passed, the Town has been and continues to be invested in bringing forward the very best finished product that incorporates the HIGHEST and BEST mixed-use development along with forward-thinking, functional improvements to the Lake Park Harbor Marina that will serve to improve amenities and waterfront access……

The Town is requesting to move forward with a solicitation package which will include a selection process with an evaluation committee that enables a County representative to be involved.

Following the successful selection of a proposal, the INTERLOCAL AGREEMENT will need to be amended and a request will be presented to the PBC BCC.

QUESTIONS?

COMMENTS?

CONCERNS?

REINVENTING THE LAKE PARK HARBOR MARINA

THANK YOU!

John D'Agostino – jdagostino@lakeparkflorida.gov – (561)881-3304

Bruce Butcher – bbutcher@lakeparkflorida.gov – (561)881-3353

Nadia Di Tommaso – nditommaso@lakeparkflorida.gov – (561)881-3319