

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 13, 2021 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment to Use Agreement with the Palm Beach County Sheriff's Office (PBSO) for use and occupancy of one (1) additional boat slip at both DuBois Park and Phil Foster Park.

Summary: On September 15, 2009 (R2009-1502), the Board of County Commissioners (Board) approved a Use Agreement with PBSO's Marine Unit for use and occupancy of boat slips at DuBois Park, Ocean Inlet Park and Phil Foster Park. PBSO requested use and occupancy of one (1) additional boat slip at both DuBois Park in Jupiter and Phil Foster Park in Riviera Beach. At its expense, PBSO will also construct boatlifts for the new boat slips at each Park. This Second Amendment to the Use Agreement (Amendment) will provide PBSO's Marine Unit an additional boat slip at both Dubois Park and Phil Foster Park. The County's Parks and Recreation Department supports PBSO's use of the additional slip at each Park. **(Property & Real Estate Management) District 1 and 7 (HJF)**

Background and Justification: On September 15, 2009, the Board approved a Use Agreement with PBSO's Marine Unit for use and occupancy of boat slips at DuBois Park, Ocean Inlet Park and Phil Foster Park. The Use Agreement provides for an initial term of twenty (20) years plus two (2) renewal options of five (5) years each. At the time, there were no docks at DuBois Park and the Use Agreement contemplated that an amendment would be entered into in the event docks were constructed. In March of 2012, three docks with boatlifts were constructed at Dubois Park. On June 19, 2012, the Board approved a First Amendment to Use Agreement (R2012-0886) with PSBO's Marine Unit for its exclusive use of boat slip #2, together with the associated boatlift, storage unit and one designated parking space. This Amendment will add one additional boat slip at both DuBois Park and Phil Foster Park bringing the total number of boat slips at DuBois Park to two (2) and at Phil Foster to seven (7).

Attachments:

- 1. Location Map No. 1 and No. 2
- 2. Second Amendment to Use Agreement w/Exhibits "A" and "C"
- 3. Email from PBSO – Additional Boat Slips Request

Recommended By: *[Signature]* 6/16/21
Department Director Date

Approved By: *[Signature]* 6/27/21
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

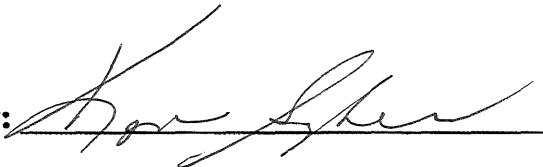
Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* 0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes	_____	No	_____	<u>X</u>
Does this item include the use of federal funds?	Yes	_____	No	_____	<u>X</u>
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
		Program _____			

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

* No fiscal impact

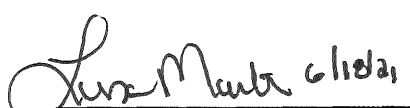
Fixed Assets Number N/A


C. Departmental Fiscal Review:



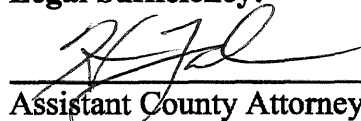
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


OFMB 07/15/21
BR 4/19
LM
6/18


Contract Development and Control
6-15-21 TW
6/25/21

B. Legal Sufficiency:


6/25/21
Assistant County Attorney

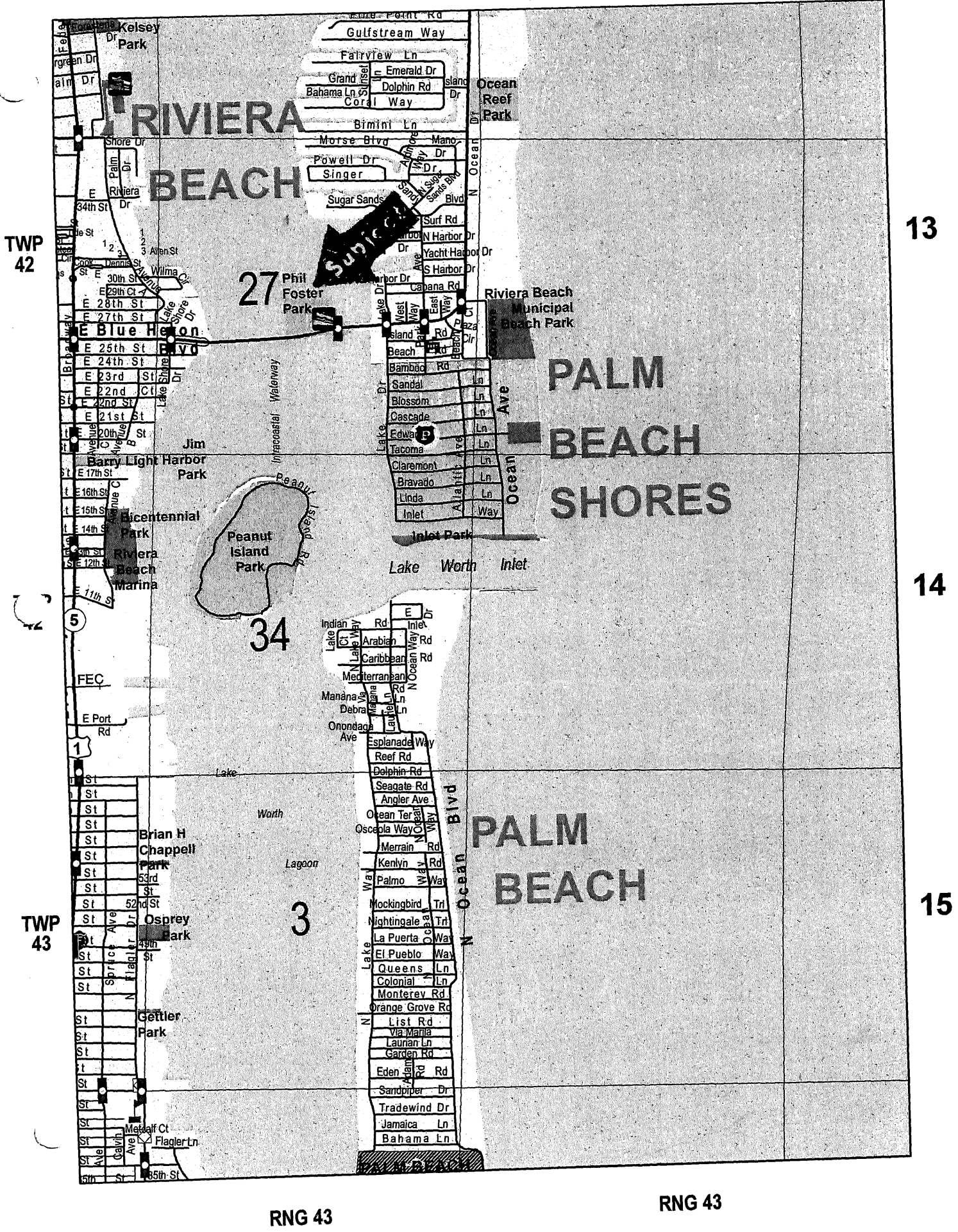
C. Other Department Review:


Department Director

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

B

A



RNG 43

RNG 43

II

D

C

TWP 40

1

TEQUESTA

Coral Cove Park

JUPITER INLET COLONY 32

2

Subject

Jupiter Beach Park Inlet

JUPITER DUNES GOLF COURSE

5 JUPITER

3

TWP 41

Highway 706 S US
E Indiantown Rd
Palm Ave
Jupiter Bay Condo
E Seminole Ave
Bella Vista Ct N
Villas On the Green
Cove Dr
Seabreeze Cir
Sandpiper Cir
Bonafish Cir
Goldfish W E Coal Fish Ln
Rainbow Fish Cir
Via Privada
Via Miguel
Via Del Sol

- 1 Speartish Ln E/W
- 2 Tarpon Ln E/W
- 3 Amberjack Ln
- 4 Sunfish Ln
- 5 Sea Horse Ln
- 6 Angellish Ln
- 7 Albacore Ln

RNG 43

RNG 43

Attachment No. 2
Second Amendment to Use Agreement – 6 pages

SECOND AMENDMENT TO USE AGREEMENT

THIS SECOND AMENDMENT TO USE AGREEMENT (the “Second Amendment”), made and entered into _____, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida (“County”) and RIC L. BRADSHAW, SHERIFF, in his official capacity as SHERIFF of PALM BEACH COUNTY, a State constitutional officer (“Sheriff”).

WHEREAS, County and Sheriff entered into that certain Agreement dated September 15, 2009 (R2009-1502) as amended by the First Amendment to Use Agreement dated June 19, 2012 (R2012-0886) (the “Agreement”) that provides for the Sheriff’s use of the Parks as defined in the Agreement for operation of the Sheriff’s Marine Unit; and

WHEREAS, Sheriff desires to increase the number of boat slips it currently has at Phil Foster Park from 6 slips to 7 slips, and at DuBois Park from 1 slip to 2 slips, and the County desires to allow the Sheriff the use of the additional boat slips in accordance with the terms and obligations set forth herein.

NOW, THEREFORE, in consideration of the rents, 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:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning ascribed to them in the Agreement.
2. Section 7 of the Agreement, as it pertains to Phil Foster Park, is hereby deleted in its entirety and replaced as follows:
 7. Sheriff shall be entitled to use seven (7) boat slips on the non-public, fixed dock depicted in Exhibit “A”. The seven (7) boat slips shall be included as part of the Premises. Access to the dock from land will require use of a security access card. There are currently six (6) boat lifts installed on the Premises for use by the Sheriff, an additional lift will be designed and built at the expense of the Sheriff. Sheriff acknowledges that its use of the non-public dock is not exclusive; however, such use by others is limited to County owned vessels operated by County personnel.
3. Section 9 of the Agreement is modified to extend the right the County has to relocate the Sheriff within Phil Foster Park, to all seven (7) boat slips.
4. All references in the Agreement to Slip #2, at Dubois Park shall be deleted and replaced with Slips #1 and 2
5. Pages 1 and 2 of Exhibit “A” (Phil Foster Premises) attached to the Agreement are hereby deleted in their entirety and replaced with pages 1 and 2 of Exhibit “A” attached hereto and made a part hereof.

6. Exhibit "C" (Dubois Premises) attached to the Agreement is hereby deleted in its entirety and replaced with Exhibit "C" attached hereto and made a part hereof.
7. This Second Amendment shall take effect when signed by all parties and approved by the Palm Beach County Board of County Commissioners (the "Effective Date").
8. Except as set forth herein, the Agreement remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the Agreement, as amended by this Second Amendment, in accordance with the terms thereof.

REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, County and Sheriff have executed this Second Amendment, or have caused the same to be executed, as of the day and year first above written.

ATTEST:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

Signed and delivered
in the presence of:


Witness Signature

Print Witness Name

Witness Signature

Print Witness Name


APPROVED AS TO TERMS
AND CONDITIONS

By: 
Director, Parks & Recreation Department

APPROVED AS TO
LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Director, Facilities Development
& Operations

ATTEST:

RIC L. BRADSHAW, IN HIS OFFICIAL
CAPACITY AS SHERIFF OF PALM
BEACH COUNTY, FLORIDA, a State
Constitutional Officer

By: _____

Signature

MAJUL SEAN MURPHY

Name

By: _____

Ric L. Bradshaw, Sheriff

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____

Sheriff's Legal Advisor

EXHIBIT "A"
PHIL FOSTER PREMISES

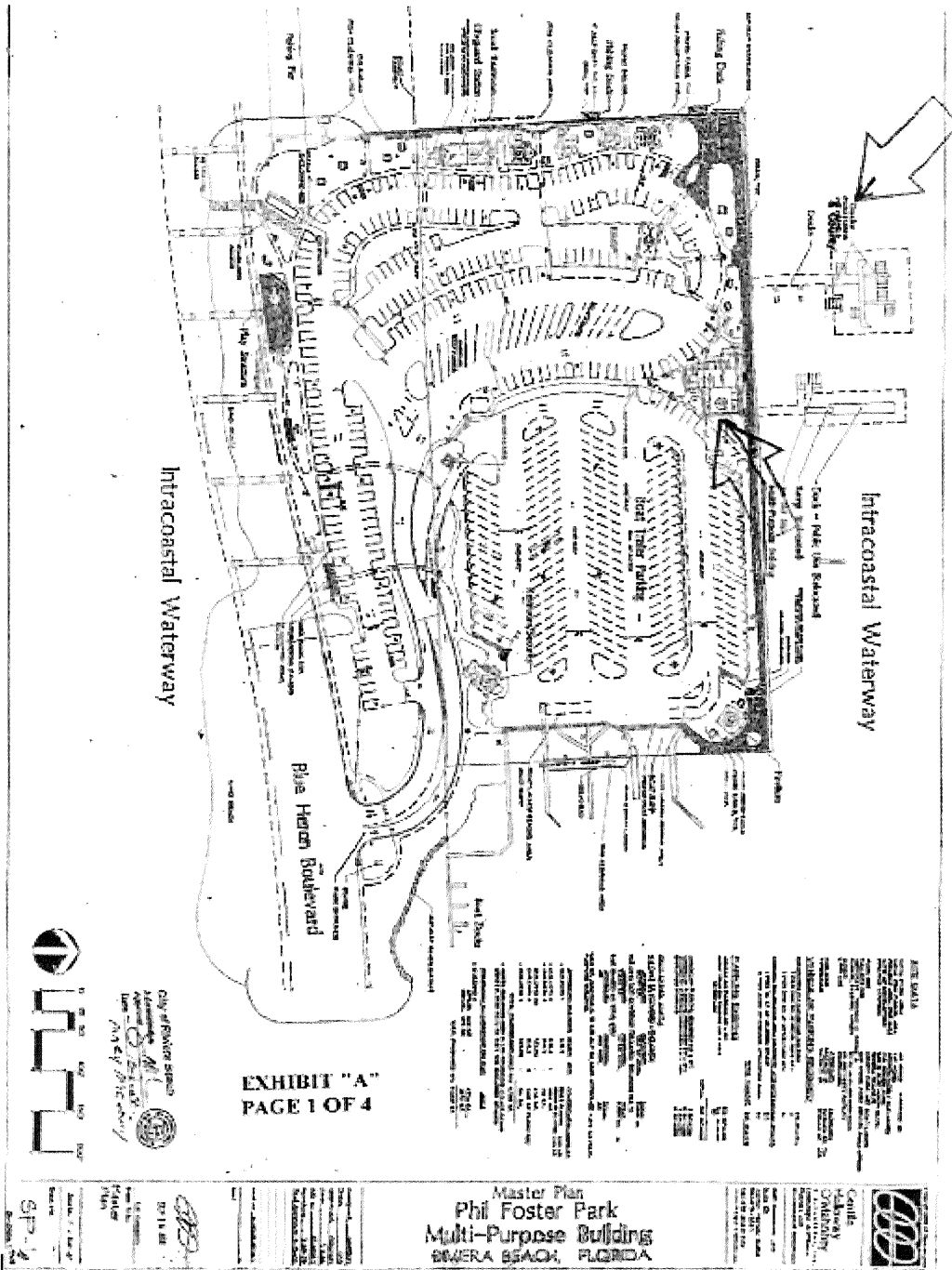



EXHIBIT "A"
PAGE 1 OF 4

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Site Preparation	1	Lot	100,000	100,000
2	Foundation	1	Lot	200,000	200,000
3	Structural Steel	1	Lot	500,000	500,000
4	Concrete	1	Lot	300,000	300,000
5	Mechanical	1	Lot	150,000	150,000
6	Electrical	1	Lot	100,000	100,000
7	Interior Finishes	1	Lot	200,000	200,000
8	Exterior Finishes	1	Lot	100,000	100,000
9	Site Furniture	1	Lot	50,000	50,000
10	Planting	1	Lot	50,000	50,000
11	Lighting	1	Lot	50,000	50,000
12	Site Furniture	1	Lot	50,000	50,000
13	Planting	1	Lot	50,000	50,000
14	Lighting	1	Lot	50,000	50,000
15	Site Furniture	1	Lot	50,000	50,000
16	Planting	1	Lot	50,000	50,000
17	Lighting	1	Lot	50,000	50,000
18	Site Furniture	1	Lot	50,000	50,000
19	Planting	1	Lot	50,000	50,000
20	Lighting	1	Lot	50,000	50,000
21	Site Furniture	1	Lot	50,000	50,000
22	Planting	1	Lot	50,000	50,000
23	Lighting	1	Lot	50,000	50,000
24	Site Furniture	1	Lot	50,000	50,000
25	Planting	1	Lot	50,000	50,000
26	Lighting	1	Lot	50,000	50,000
27	Site Furniture	1	Lot	50,000	50,000
28	Planting	1	Lot	50,000	50,000
29	Lighting	1	Lot	50,000	50,000
30	Site Furniture	1	Lot	50,000	50,000
31	Planting	1	Lot	50,000	50,000
32	Lighting	1	Lot	50,000	50,000
33	Site Furniture	1	Lot	50,000	50,000
34	Planting	1	Lot	50,000	50,000
35	Lighting	1	Lot	50,000	50,000
36	Site Furniture	1	Lot	50,000	50,000
37	Planting	1	Lot	50,000	50,000
38	Lighting	1	Lot	50,000	50,000
39	Site Furniture	1	Lot	50,000	50,000
40	Planting	1	Lot	50,000	50,000
41	Lighting	1	Lot	50,000	50,000
42	Site Furniture	1	Lot	50,000	50,000
43	Planting	1	Lot	50,000	50,000
44	Lighting	1	Lot	50,000	50,000
45	Site Furniture	1	Lot	50,000	50,000
46	Planting	1	Lot	50,000	50,000
47	Lighting	1	Lot	50,000	50,000
48	Site Furniture	1	Lot	50,000	50,000
49	Planting	1	Lot	50,000	50,000
50	Lighting	1	Lot	50,000	50,000

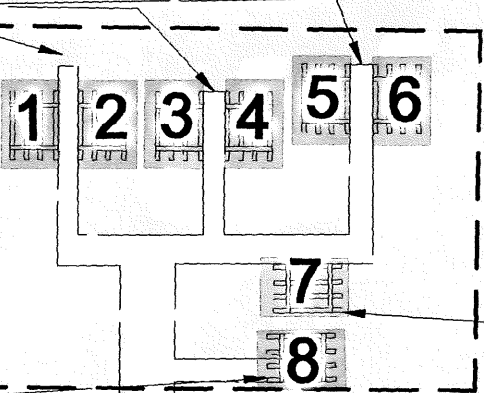

 CITY OF BROWARD COUNTY
 Broward County, Florida
 Planning and Development Department
 200 N. Broward Blvd., Suite 200
 Ft. Lauderdale, FL 33301

Master Plan
Phil Foster Park
Multi-Purpose Building
 BOWERS BEACH, FLORIDA

Date: 11/11/08
 Scale: 1" = 100'
 Sheet: SP-1
 Project: Phil Foster Park Multi-Purpose Building

Intracoastal Waterway

PBSO Marine Unit Docks 1-6,8



PBC Parks & Rec Slip

West Docks

Jet Ski Slips

East Docks

Dock - Public Use

PFP-PBSO EXHIBIT.DWG



PHIL FOSTER PARK RIVIERA BEACH, FL
EXHIBIT "A" - 2

PALM BEACH COUNTY PARKS & RECREATION DEPARTMENT - PLANNING, RESEARCH & DEVELOPMENT DIVISION

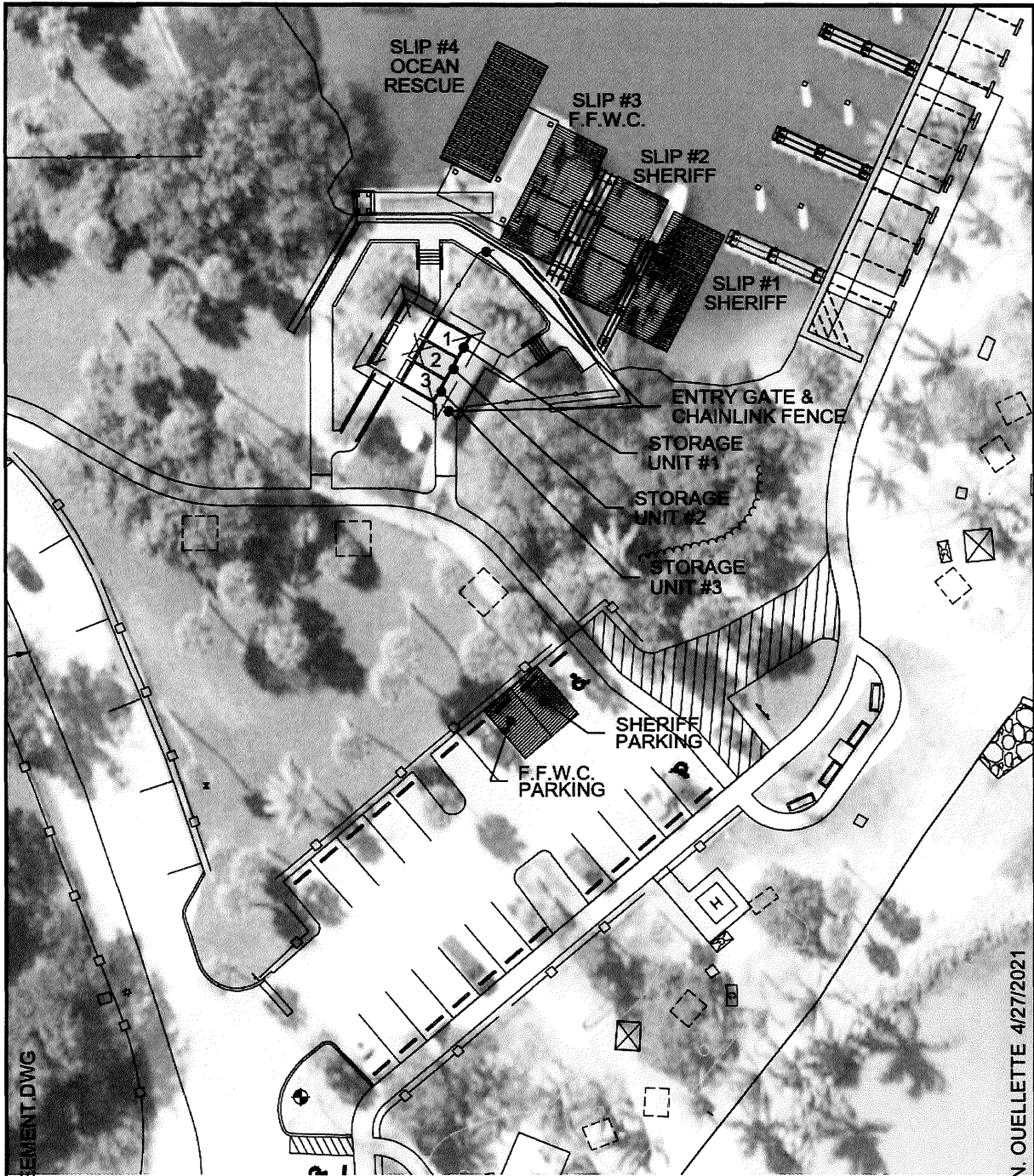
NORTH



0' 40' 80'

4/29/2021

EXHIBIT "C"
DUBOIS PREMISES



DUBOIS USE AGREEMENT.DWG

T. GRANOWITZ / N. OUELLETTE 4/27/2021

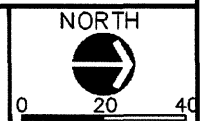
STORAGE UNIT #1 - SHERIFF
STORAGE UNIT #2 - OCEAN RESCUE
STORAGE UNIT #3 - F.F.W.C.

EXHIBIT 'C'



**PALM BEACH COUNTY
PARKS & RECREATION
DEPARTMENT**

**DUBOIS PARK
USE AGREEMENT
DUBOIS PREMISES**



Attachment No. 3
Email from PBSO – Additional Boat Slips Request – 1 page

Marcel Pessoa

From: Ortega, Juan E (Ed) <OrtegaJ@pbso.org>
Sent: Thursday, February 25, 2021 11:03 AM
To: Isami Ayala-Collazo <IAyalaCollazo@pbcgov.org>
Subject: FW: Lifts for Dubois Park and Phil Foster

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Isamí,

Here is the information that you requested for the boat lifts that the PBSO Marine Unit would like to have installed at Phil Foster and Dubois parks. Please let us know if there is any additional information that is needed.

Best regards,

Ed

From: Aviles, Heriberto <AvilesH@pbso.org>
Sent: Tuesday, February 23, 2021 4:31 PM
To: Ortega, Juan E (Ed) <OrtegaJ@pbso.org>
Subject: Lifts for Dubois Park and Phil Foster

Good afternoon Ed,

Please find attached the pictures of the locations where we want to install the new lifts also attached is the Quote for both Lift. If something else that I can help let me know. Thank you!

Note: on the pictures look at the arrow that is the location.

Respectfully,

