

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 14, 2023

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 a fully executed State of Florida Coastal Zone Management Program Grant Amendment No. 1 to Agreement No. CZ420 for ADA improvements at Phil Foster Park extending the expiration date from December 30, 2022 until June 30, 2023.

Summary: On November 17, 2020, the Board of County Commissioners (BCC) ratified the Mayor's signature on a Florida Coastal Partnership Initiative grant application (R2020-1731) which requested \$25,000 for ADA improvements at Phil Foster Park. The BCC also authorized the County Administrator or designee to execute the Project Agreement (DEP Agreement No. CZ420) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was executed by the Director of Parks and Recreation, and submitted to the BCC to receive and file and established budget on September 14, 2021 (R2021-1262). On July 12, 2022 the BCC approved a six month time extension (R2022-0714) from June 30, 2022 to December 30, 2022. The project includes a roll-out accessibility mat and five beach wheelchairs. Due to the difficulty in acquiring the beach wheelchairs, a second six month extension was requested. The Florida Department of Environmental Protection approved a second six (6) month time extension from December 30, 2022 to June 30, 2023. The Amendment has been executed by the Director of the Parks and Recreation. The Department is now submitting this Amendment in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. District 7 (AH)

Background and Justification: Phil Foster Memorial Park is a 14.65 acre park located on the Intracoastal Waterway in northern Palm Beach County. Recreational amenities include boat trailer parking, four boat ramps, a non-motorized boat launch, day use docks, picnic facilities, playground, under water snorkeling trail, fishing pier, restrooms, showers and almost 1,000 linear feet of guarded beach.

The Florida Coastal Partnership Initiative provides Federal funds from the National Oceanic and Atmospheric Administration (NOAA) to local governments for the protection and effective management of Florida's coastal resources.

Attachment: Amendment No.1 to Agreement No. CZ420

Recommended by: Paul D Connell
Department Director

2/17/23
Date

Approved by: Donald M. Miller
Assistant County Administrator

3/7/2023
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

Budget Account No.: Fund 3600 Department 582 Unit P905
Object 5111 /Revenue Source _____ Program _____

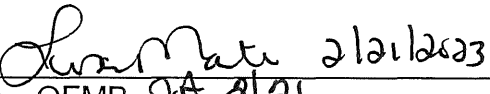
B. Recommended Sources of Funds/Summary of Fiscal Impact:

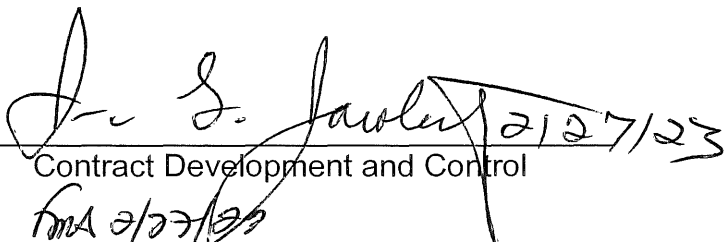
There is no fiscal impact associated with this item.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

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

Approved for receipt 2/21/23
 2/21/23
OFMB GA 2/21

 2/27/23
Contract Development and Control
for 2/27/23

B. Legal Sufficiency:

 3/6/23
Assistant County Attorney

C. Other Department Review:

Department Director

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

**AMENDMENT NO. 1
TO AGREEMENT NO. CZ420
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
PALM BEACH BOARD OF COUNTY COMMISSIONERS**

This Amendment to Agreement No. CZ420 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Palm Beach Board of County Commissioners, 301 N. Olive Avenue, West Palm Beach, FL 33401 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for purchasing and installation of ADA accessible roll out mats and floating wheelchairs at the Phil Foster Park effective July 27, 2021; and

WHEREAS, the Department entered into Change Order No. 01 on May 19, 2022 extending the completion date from June 30, 2022 until December 30, 2022; and

WHEREAS, the parties wish to extend and amend the Agreement as set forth herein to revise the Grant Work Plan to extend the deliverable due date for Task 2.


NOW THEREFORE, the parties agree as follows:

- 1) The Agreement is extended for a six-month period to begin December 30, 2022, and remain in effect until June 30, 2023. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
- 2) Section 3 of the Standard Grant Agreement is revised to change the ending date of the Agreement from December 31, 2022, to June 30, 2023.
- 3) Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-A, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-A, Revised Grant Work Plan.
- 4) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistencies may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

Palm Beach Board of County Commissioners

**Florida Department of
Environmental Protection**

By: 
Title:

By: Michael A. Shirley Digitally signed by Michael A. Shirley
Date: 2022.09.26 08:11:58 -04'00'
Secretary or Designee

Date: 1st Anne Helfant 9-21-22

Date: _____

Legal Sufficiency, Anne Helfant, Senior County Assistant Attorney

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	3-A	Revised Grant Work Plan (4 pages)

Agreement No.: CZ420

Amendment No.: 1

1 of 1

Rev. 3/6/2020

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REVISED GRANT WORK PLAN
DEP AGREEMENT NO.: CZ420

ATTACHMENT 3-A

PROJECT TITLE: Phil Foster Park ADA Accessibility Project

GRANTEE CONTACT INFORMATION:

Organization Name: **Palm Beach County Board of County Commissioners**
Chief Elected Official or Agency Head: **Robert S. Weinroth**
Title: **Mayor, Board of County Commissioners**
Address: **301 N. Olive Avenue**
City: **West Palm Beach**
Zip Code: **33401**
Area Code and Telephone Number: **561-355-2204**
E-Mail Address: **Rweinroth@pbcgov.org**

GRANT MANAGER CONTACT INFORMATION:

Organization Name: **Palm Beach County Board of County Commissioners**
Grant Manger: **Jean Matthews**
Address: **2700 6th Avenue South**
City: **Lake Worth**
Zip Code: **33461**
Area Code and Telephone Number: **561-966-6652**
E-Mail Address: **jmatthew@pbcgov.org**

FISCAL AGENT CONTACT INFORMATION:

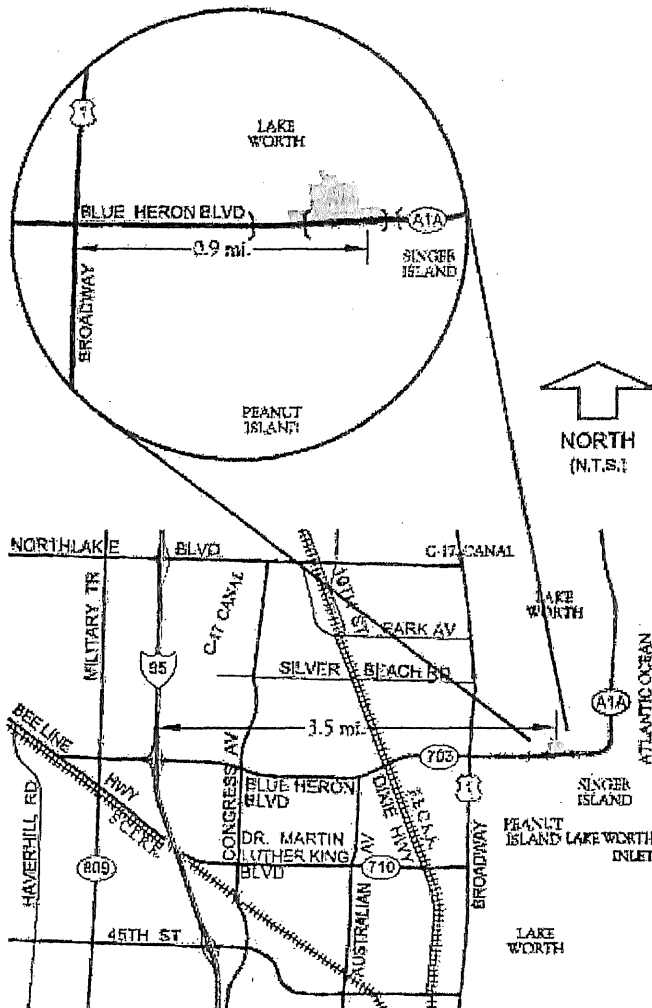
Organization Name: **Palm Beach County Board of County Commissioners**
Fiscal Agent: **Rebecca Schnirman**
Title: **Director, Finacial Support Services**
Address: **2700 6th Avenue South**
City: **Lake Worth**
Zip Code: **33461**
Area Code and Telephone Number: **561-966-6650**
E-Mail Address: **Rschnirman@pbcgov.org**

FEID No: 59-6000785

DUNS No: 078470481

PROJECT LOCATION:

900 E. Blue Heron Boulevard, Riviera Beach, Florida 33404



PROJECT BACKGROUND:

The County acquired Phil Foster Memorial Park in two parcels, from the trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) in 1950 and 1961. The park was dedicated for public use in 1953. This 14.65-acre park is located on the Intracoastal Waterway in northern Palm Beach County near the Palm Beach Inlet, enjoying clean clear crystal blue water at high tide.

Phil Foster is international recognized for its outstanding snorkeling and marine life. While the park has ADA accessible parking and restrooms the beach is inaccessible for some individuals with mobility issues. This project will provide wheelchair access to the beach and water, provide a unique opportunity for individuals with disabilities to view a secure protect reef in an near shore environment. In addition, the bridge provides shade protecting park patrons from the harsh south Florida sun.

Recreational amenities include boat trailer parking, four boat ramps, a non-motorized boat launch, day use docks, picnic facilities, playground, underwater snorkeling trail, fishing pier, restrooms and showers and almost 1,000 linear feet of guarded beach. There is an 800-foot-long man-made reef located just offshore in 6 to 10 feet of water. The reef was constructed with 600 tons of rock and six man-made concrete reef modules, creating an ideal habitat for marine life including octopus, sea horses, eagle rays and other sea creatures. This reef provides opportunities for park patrons who are not strong swimmers to view marine life in a calm environment with lifeguards on duty.

PROJECT DESCRIPTION:

The Palm Beach County Parks and Recreation Department is committed to providing ADA access for all park visitors. The County continues to upgrade its parks as budget permits to meet current ADA accessibility standards and has devoted both staff and financial resources to work towards meeting this goal.

Phil Foster's guarded swimming area and artificial reef are accessible via a sandy beach and are not currently ADA compliant. The Parks and Recreation Department is requesting funding for the purchase and installation of a roll-out accessibility mat to accommodate disabled visitors. This mat would provide a continuous unobstructed path from the Phil Foster parking lot to the water's edge, creating a stable surface for people of all abilities. In addition, the Department is requesting funding to purchase five floating beach wheelchairs. These wheelchairs are specially constructed with oversized tires and aluminum marine-grade frames to handle all types of terrain including soft sand beaches and shallow water. The wheelchairs will be available to the public at Phil Foster Park and other County beaches.

Phil Foster Park is an ideal location for a roll-out accessibility mat as the park is located on an inland waterway and is not subject to ocean waves, currents or beach erosion. In addition, the accessibility mat will be installed under the Blue Heron Bridge and will be sheltered from the weather. Because of these favorable conditions, the mat can extend into the water without issues. This project will improve public access to coastal resources by providing wheelchair access to the water for park patrons of all abilities.

TASKS and DELIVERABLES:

Task #1: Survey and permitting

Task Description: The Grantee will conduct site survey and obtain necessary permit(s) for installation of the ADA accessible roll out mat at Phil Foster Park.

Deliverables:

Permit application and permit(s)

Task #2: Purchase and installation of roll out accessibility mat and floating wheelchairs

Task Description: The Grantee will purchase and install ADA accessible roll out mat and floating wheelchairs at Phil Foster Park. To increase the number of disabled individuals visiting Phil Foster Park.

Deliverables:

Copy of invoices for mat and floating wheelchairs

Before and after pictures of Phil Foster Park showing the mat location and floating chairs

Written statement as to procedures of where and how the property will be stored for safe keeping during a hurricane or other weather event.

Maintenace plan for Mobi Mat and floating wheel chairs.

Performance Standard: The Department's Grant Manager will review the deliverables to verify that they meet the specifications in the Grant Work Plan and the task description. Upon review and written

acceptance by the Department's Grant Manager of all deliverables under this task the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of each task and Department approval of all associated task deliverables.

PROJECT TIMELINE: The tasks must be completed by the corresponding task end date and all deliverables must be received by the designated due date.

Task No.	Task or Deliverable Title	Deliverable Due Date
1	Survey and Permit(s)	6/30/22
2	Purchase and installation of mat and chair	6/30/23

BUDGET DETAIL BY TASK:

Categories	Task 1	Task 2	Totals
Contractual Services	\$0		\$0
Equipment		\$25,000	\$25,000
Other	\$0		\$0
Match Total	\$0	\$25,000	\$25,000
Total	\$0	\$50,000	\$50,000

PROJECT BUDGET SUMMARY: Cost reimbursable grant funding must not exceed the category totals for the project as indicated below. Match funding shall be provided in the categories indicated below.

Category Totals	Grant Funding, Not to Exceed, \$	Match Funding, \$	Total Project Funding
Contractual Services Total	\$0	\$0	\$0
Equipment	\$25,000	\$25,000	\$42,000
Misc/ Other Expenses	\$0	\$0	\$0
Total:	\$25,000	\$25,000	\$50,000

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