

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

Meeting Date: December 15, 2020 Consent Regular
 Ordinance Public Hearing

Department: Housing and Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Receive and File: the following four (4) Amendments to Agreements for projects funded under the Community Development Block Grant (CDBG) Program:

- A) Amendment 001 to the Agreement with the Village of Palm Springs;
- B) Amendment 002 to the Agreement with the Village of Palm Springs;
- C) Amendment 003 to the Agreement with the City of Riviera Beach; and
- D) Amendment 006 to the Agreement with the City of South Bay;

Summary: The aforementioned 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 Items 5A-3, 5C-5 and 31-4, as approved by the BCC on July 2, 2019, July 10, 2018 and December 5, 2017, respectively.

Amendment 001 to the Agreement (R2019-1762) with the Village of Palm Springs extends the project completion date and modifies the performance requirements for the sidewalk improvement project along the south side of Alameda Drive. Amendment 002 to the Agreement (R2018-1569) with the Village of Palm Springs extends the project completion date and revises the performance requirements for the completion of Foxtail Palm Park. Amendment 003 to the Agreement (R2018-2001) with the City of Riviera Beach extends the project completion date and modifies the performance requirements for improvements along Avenue M. Amendment 006 to the Agreement (R2016-0567) with the City of South Bay extends the project completion date and modifies the performance requirements for improvements to Cox Park and Tanner Park.

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. **These are Federal CDBG funds which do not require a local match.** Districts 3, 6 and 7 (HJF)

Background and Justification: The Village of Palm Springs, the City of Riviera Beach and the City of South Bay, have each executed an Inter-local Agreement with Palm Beach County to participate in the CDBG Program as funded by the United States Department of Housing and Urban Development.

Attachment(s):

- 1. Documents as listed in A through D above

Recommended By: Jonathan Brian 10/16/2020
 Department Director Date

Approved By: Donna M. Miller 11/12/2020
 Assistant 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					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes X No _____
 Does this Item include the use of Federal funds? Yes X No _____

Budget Account No.:

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

No Fiscal Impact

C. Departmental Fiscal Review: _____
 Shairette Major, Fiscal Manager II

III. REVIEW COMMENTS

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


 10/22/2020
 OFMB 10/20

 10/29/2020
 Contract Development and Control

B. Legal Sufficiency:


 11/4/20
 Assistant County Attorney

C. Other Department Review:

 Department Director

**AMENDMENT 001 TO THE AGREEMENT
WITH
VILLAGE OF PALM SPRINGS**

Amendment 001 with an effective date of June 1, 2020, by and between **Palm Beach County** and the **Village of Palm Springs**.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2019-1762) with the Village of Palm Springs on October 1, 2019, to provide \$468,779 of Community Development Block Grant (CDBG) funds for the construction of sidewalk improvements to create an interconnected pathway system in the Village of Palm Springs; and

WHEREAS, the Village has requested to modify the project completion date and corresponding performance requirements; 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 "December 31, 2020" with "January 31, 2021".

C. SECTION 7: TIME OF PERFORMANCE

Replace "December 31, 2020" with "January 31, 2021".

D. EXHIBIT A – WORK PROGRAM NARRATIVE: SECTION I.H – PERFORMANCE REQUIREMENTS

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

Start Construction by:	July 2020
Expend 50% of CDBG Funds by:	September 2020
Complete Construction by:	November 2020
Submit Final Reimbursement Request by:	December 2020
Expend 100% of CDBG Funds by:	January 2021

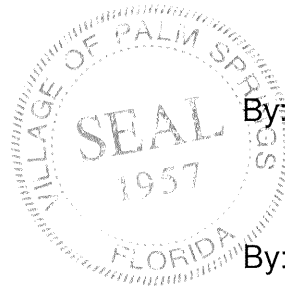
Except as modified by this Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 001 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

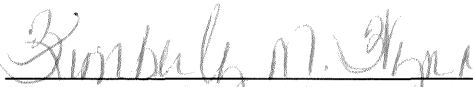
IN WITNESS WHEREOF, the Subrecipient and the County have caused this Amendment 001 to be executed on the date first above written.


(SUBRECIPIENT SEAL BELOW)

VILLAGE OF PALM SPRINGS


By: 
Bev Smith, Mayor



By: 
Kimberly M. Wynn, Village Clerk

By: 
Attorney for Subrecipient
(Signature Optional)

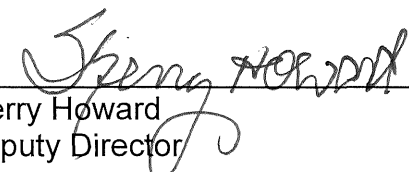
**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
for its BOARD OF COUNTY COMMISSIONERS**

By: 
Jonathan B. Brown, Director
Dept. of Housing & Economic Sustainability

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Department of Housing & Economic Sustainability

By:  for
Howard J. Falcon III
Chief Assistant County Attorney

By: 
Sherry Howard
Deputy Director

**AMENDMENT 002 TO THE AGREEMENT
WITH
VILLAGE OF PALM SPRINGS**

Amendment 002 with an effective date of June 1, 2020, by and between **Palm Beach County** and the **Village of Palm Springs**.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2018-1569) with the Village of Palm Springs on October 16, 2018, as amended on October 1, 2019, by Amendment 001 (R2019-1770), to provide \$399,900 of Community Development Block Grant (CDBG) funds for the creation of Foxtail Palm Park on the NE corner of Park Lane and Kirk Road in the Village of Palm Springs; and

WHEREAS, the Village has requested to modify the project completion date and corresponding performance requirements; 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 "June 30, 2020" with "September 30, 2020".

C. SECTION 7: TIME OF PERFORMANCE

Replace "June 30, 2020" with "September 30, 2020".

D. EXHIBIT A – WORK PROGRAM NARRATIVE: SECTION I.H – PERFORMANCE REQUIREMENTS

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

Expend all CDBG Funding & Request Reimbursement by:	July 15, 2020
Complete construction and closeout project by:	September 30, 2020

Except as modified by this Amendment 002, and previously by Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 002 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Subrecipient and the County have caused this Amendment 002 to be executed on the date first above written.

(SUBRECIPIENT SEAL BELOW)



VILLAGE OF PALM SPRINGS

By: [Signature]
Bev Smith, Mayor

By: [Signature]
Kimberly M. Wynn, Village Clerk

By: _____
Attorney for Subrecipient
(Signature Optional)

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

By: [Signature]
Jonathan B. Brown, Director
Dept. of Housing & Economic Sustainability

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Department of Housing & Economic Sustainability

By: [Signature] for
Howard J. Falcon III
Chief Assistant County Attorney

By: [Signature]
Sherry Howard
Deputy Director

**AMENDMENT 003 TO THE AGREEMENT
WITH
CITY OF RIVIERA BEACH**

Amendment 003, with an effective date of April 30, 2020, by and between **Palm Beach County** and the **City of Riviera Beach**.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2018-2001) with the City of Riviera Beach on October 22, 2018, as amended by Amendment 002 (R2020-0258) on February 11, 2020, and Amendment 001 (R2019-1768) on October 31, 2019 to provide \$160,890 of Community Development Block Grant (CDBG) funds for street improvements along Avenue M in the City of Riviera Beach, and

WHEREAS, the Subrecipient has requested a time extension for project completion due to the project construction delays and the COVID-19 Pandemic; 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

Delete "June 30, 2020" and replace it with "August 31, 2020".

C. SECTION 7 – TIME OF PERFORMANCE

Delete "June 30, 2020" and replace it with "August 31, 2020".

D. EXHIBIT A – WORK PROGRAM NARRATIVE: SECTION I.G - MONTHLY PERFORMANCE REQUIREMENTS

Delete this Section and replace it with the following:

"The time-frame for completion of the outlined activities shall be August 31, 2020".

Complete Construction by:

June 30, 2020

Submit Final Reimbursement Documentation by:


July 15, 2020

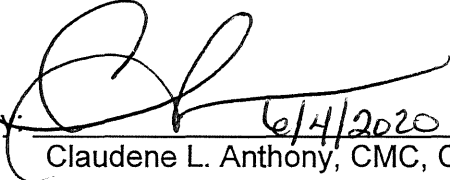
Except as modified by this Amendment 003, and previously by Amendment 002 and Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 003 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, Subrecipient and County have caused this Amendment 003 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)

CITY OF RIVIERA BEACH

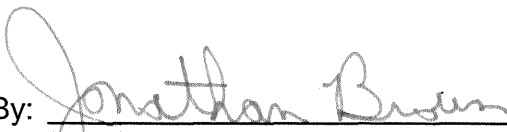
By: 
Ronnie L. Felder, Mayor

By:  6/4/2020
Claudene L. Anthony, CMC, City Clerk

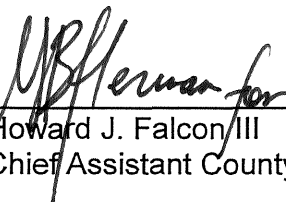
By: 
Attorney for Municipality (Optional)

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

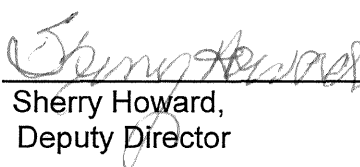
For its BOARD OF COUNTY COMMISSIONERS

By: 
Jonathan B. Brown, Director
Dept. of Housing & Economic Sustainability

Approved as to Form and
Legal Sufficiency

By: 
Howard J. Falcon III
Chief Assistant County Attorney

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

By: 
Sherry Howard,
Deputy Director

**AMENDMENT 006 TO THE AGREEMENT
WITH
CITY OF SOUTH BAY**

Amendment 006, with an effective date of April 1, 2020, by and between **Palm Beach County** and the **City of South Bay**.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2016-0567) on May 3, 2016, with the City of South Bay, as amended by Amendment 001 (R2017-1816) on December 5, 2017, Amendment 002 (R2018-1573) on October 1, 2018, Amendment 003 (R2019-0962) on May 7, 2019, Amendment 004 (R2019-1772) on September 27, 2019 and Amendment 005 (R2020-0373) on January 15, 2020, to provide \$903,601 of Community Development Block Grant (CDBG) funds for the design and construction of improvements to Cox Park and Tanner Park; and

WHEREAS, construction activity is complete with project close-out and punch list items to be addressed by the contractor; and

WHEREAS, the activities remaining to bring the project to final completion have been interrupted by COVID-19 and will occur subsequent to the Agreement end date; and

WHEREAS, the Municipality has requested to extend the project completion date 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 "April 30, 2020" with "June 30, 2020".
- C. SECTION 7: TIME OF PERFORMANCE**
Replace "April 30, 2020" with "June 30, 2020".
- D. EXHIBIT A-1: SECTION 1-G: MONTHLY PERFORMANCE REQUIREMENTS**
Replace "April 30, 2020" with "June 30, 2020", and revise the performance requirements below to read as follows:

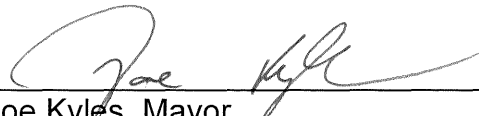
Submit Final Reimbursement by: June 30, 2020

Except as modified by this Amendment 006, the Agreement, as previously amended, remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 006 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 006 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)

CITY OF SOUTH BAY

By: 
Joe Kyles, Mayor

By: 
Leondrae Camel, City Manager


By: _____
Attorney for Municipality (Optional)

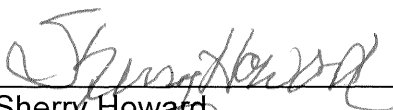
**PALM BEACH COUNTY, FLORIDA, a
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For its BOARD OF COUNTY COMMISSIONERS**

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

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Department of Housing & Economic Sustainability

By: 
Howard J. Falcon III
Assistant County Attorney

By: 
Sherry Howard
Deputy Director