



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # 9H
November 17, 2016

~ CRA BOARD SUMMARY ~

THIRD AMENDMENT TO FY 2015-2016 CRA/CITY INTERLOCAL AGREEMENT (ILA) FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES

Background: At its meeting of September 29, 2015, the CRA Board adopted the FY 2015-16 Budget and approved the Interlocal Agreement with the City of Delray Beach for funding of Joint Projects for Fiscal Year 2015-16. Per the Agreement, funds will be transferred to the City at the time that a contract is awarded or service authorization (consultant agreement) is approved for each project. At the time the budget was adopted it was noted that adjustments would be necessary due to a reduction in revenues as the sale of the Old Library/Chamber property would not occur in FY 2015-16.

At its meeting of January 14, 2016, in conjunction with the CRA's Budget Amendment #1 for FY 2015-16, the CRA Board approved the further revised FY 2015-16 ILA to accommodate additional funds for increased costs associated with the design and construction of multiple projects as well as items that were eliminated or reduced this fiscal year. On February 16, 2016, the City Commission approved the ILA for Joint Projects for Fiscal Year 2015-16.

On June 9, 2016, the CRA Board approved Budget Amendment #2 for FY 2015-16 along with Amendment #1 of the FY 2015-16 ILA to accommodate the construction administration, construction inspection, or increase/decrease in construction costs of the Joint Projects. On June 21, 2016, the City Commission approved the Amendment #1 of the ILA for Joint Projects for FY 2015-16.

On September 13, 2016, the CRA and the City entered into the Second Amendment to the Interlocal Agreement to provide for changes in the amount of funding for the Old School Square Building maintenance. This increased funding has been incorporated into the FY 2015-16 Budget Amendment #3 (Agenda Item 9.E).

ILA Amendment #3: At its meeting of September 22, 2016, the CRA Board approved a new Interlocal Agreement for Funding Construction/Professional Services for FY 2016-17. The City Commission approved the ILA at their October 18, 2016 meeting. The new ILA includes those transitional projects from the FY 2015-16 Agreement that were not contracted for, as well as, several new projects in the current year's CIP. However, in order to clarify the actual expenditures that were made for projects in the FY 2015-16 Agreement, a final amendment to that Agreement is necessary.

The proposed Third Amendment will modify the amount of funding for the projects in Exhibit "A" to reflect the actual amount of funding provided by the CRA for the projects at the end of FY 2015-16. The amendment is being processed in conjunction with CRA Budget Amendment No. 3 for FY 2015-16.

Recommended Action:

Approve the Third Amendment to the Interlocal Agreement with the City of Delray Beach for funding of Joint Projects for Fiscal Year 2015-16.

Submitted By: Thuy Shutt, Assistant Director

Attachment: Third Amendment to CRA/CITY ILA for Funding of Construction/Professional Services-FY 2015-16

ASL

**THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN
THE CITY OF DELRAY BEACH AND THE
DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY
FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES
FY 2015-2016**

THIS THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FUNDING OF CONSTRUCTION/PROFESSIONAL SERVICES ("THIRD AMENDMENT") is made this _____ day of _____, 2016, by and between the **CITY OF DELRAY BEACH**, a Florida municipal corporation, (hereinafter referred to as "**CITY**"), and the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic, duly created and operated pursuant to Chapter 163, Florida Statutes (hereinafter referred to as the "**CRA**").

WITNESSETH:

WHEREAS, the **CITY** and the **CRA** entered into an Interlocal Agreement for the Funding of Construction/Professional Services for Fiscal Year 2015-2016, on February 16, 2016 (the "Original Agreement"), which provided for funding for construction and professional services for projects within the Community Redevelopment Area; and

WHEREAS, the **CITY** and the **CRA** entered into the First Amendment to the Original Agreement on July 1, 2016, (the "First Amendment") to provide for changes in the amount of funding for projects included in the Original Agreement; and

WHEREAS, the **CITY** and the **CRA** entered into the Second Amendment to the Original Agreement on September 13, 2016, (the "Second Amendment") to provide for changes in the amount of funding for projects included in the Original Agreement; and

WHEREAS, the **CITY and CRA** desire to amend **Exhibit "A"** to the Original Agreement, as previously amended by the Second Amendment, to reflect the actual amount of funding provided by the **CRA** for the projects listed in "**Exhibit A**" at the end of FY 2015-2016 in conjunction with the **CRA's** final Budget Amendment for FY 2015-2016.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1. The recitations set forth above are hereby incorporated herein.

2. The CITY and the CRA desire to amend Exhibit "A" to the Original Agreement, as previously amended by the Second Amendment, to reflect the actual amount of funding provided by the CRA at the end of FY 2015-2016 for the projects listed in Exhibit "A" in conjunction with the CRA's final Budget Amendment for FY 2015-2016.

3. Exhibit "A" to the Original Agreement is hereby amended as provided in Exhibit "A", which is attached to this Third Amendment, and incorporated herein by reference.

5. All other terms and conditions of the Original Agreement, as amended by the First and Second Amendments, not in conflict with this Third Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

City Clerk

By: _____
Cary D. Glickstein, Mayor

Approved as to Form:

City Attorney

ATTEST:

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

Jeff Costello, Executive Director

By: _____
Reginald A. Cox, Chair

(SEAL)

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, as _____ (name of officer or agent, title of officer or agent), of _____ (name of corporation acknowledging), a _____ (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

Notary Public – State of Florida

EXHIBIT "A"

Fiscal Year 2015-2016 Projects			
	City Project #	Project Name	Amount of CRA Funding
1.	2014-023	SW 10th/9th Ave Improvements	\$ 190,000.00
2.	2014-002	Block 8 Alley (South of W Atlantic Ave - SW 10 th /11 th Aves)	\$ 0
3.	2010-041	NW 12 th Ave – Atlantic to MLK	\$ 1,088,623.00
4.	2016-514	Old School Square – Building Maintenance	\$ 1,287,312.00
5.	2013-022	S Swinton Ave & SW/SE 1 st St Traffic Signal	\$ 1,000.00
6.	2016-650	Parking Study Implementation (Atlantic & E 2 nd Ave Crosswalk)	\$ 9,134.00
7.	2016-668	Veteran's Park	\$ 108,093.00
8.	2015-608	MLK Jr. Drive Phase II (NW 12 th Ave to I-95 Sound Barrier)	\$ 284,128.00
9.	2011-024	NE 3 rd St/Ave Streetscape & Alley Improvements	\$ 192,254.00
10.	2011-009	Block 32 Alley	\$ 77,615.00
11.	2014-052	Merritt Park Renovations	\$ 411,711.00
12.	2016-676	SW 2 nd Street Beautification (Phase II)	\$ 9,370.00
13.	2013-015	Osceola Park Neighborhood Improvements	\$ 246,889.00
14.	2013-020	SE 2 nd St (Swinton – SE 3 rd Ave), SE 2 nd Ave & Alleys Blk 87	\$ 0
15.	2016-002	Sidewalks – CRA District	\$ 299,517.00
16.	2015-620	NW/SW Neighborhood Alleys	\$ 40,873.00
17.	2015-040	NW/SW Neighborhood Alleys (NW 5th Avenue Beautification Alleys)	\$ 77,995.00
18.	2011-067	NE 2 nd Ave/Seacrest Blvd Beautification	\$ 1,270,467.00
19.	2009-006	Block 20 Alley Improvements	\$ 0
20.	2014-024	SW 2 nd Terrace Reconstruction	\$ 65,000.00