

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 6, 2006

☒ 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 approve: First Amendment to Agreement (R2005-0276) with Armory Art Center, Inc. and the City of West Palm Beach for funding renovation of the Robert and Mary Montgomery Historic Armory Building – Phase I.

**Summary:** This First Amendment to Agreement adjusts project elements within the approved project scope and line item amounts. The changes were required due to cost increases and design changes in light of post hurricane facility needs. The Amendment also extends the completion date from January 31, 2007 to June 30, 2007, in order to ensure the project will be complete and documents submitted before the project completion date. This project received a \$600,000 allocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond Referendum. District 2 (PK)

**Background and Justification:** Armory Art Center, Inc. is a not-for-profit agency that leases property from the City of West Palm Beach where it operates the campus of the Armory Art Center. On February 1, 2005, the County entered into an Agreement with West Palm Beach and Armory Art Center, Inc. for an amount not-to-exceed \$600,000 to fund renovation of the Historic Armory Building. The revisions to the project elements include the elimination of the outdoor pavilion and the photography dark room, reallocating funding for those budget lines to construction cost increases, repainting of the building exterior following roof repair, relocation of the Greenfield Gallery, and rehabilitation of the existing conference room. The general project scope and the amount of funding remain the same. The project completion date has been extended by six months to allow for delays caused by Hurricane Wilma. This project is now nearing completion. All other terms of the Agreement remain the same.

The Amendment has been executed on behalf of Armory Art Center, Inc. and the City of West Palm Beach, and now needs to be approved by the Board of County Commissioners.


**Attachment:** First Amendment to Agreement

Recommended by:

  
Department Director

1-12-07  
Date

Approved by:

  
Assistant County Administrator

1/29/07  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
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 \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Program N/A

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

There is no fiscal impact created by this Amendment. Agreement is encumbered with document # KPO 581 PRCP021105\*17.

C. Departmental Fiscal Review: ckopelakis

## III. REVIEW COMMENTS

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

OFMB 1/24/07  
ms 1/22/07 1/18/07

Jim J. Jacobson 1/26/07  
Contract Development and Control  
E. Jones 1/26/07

### B. Legal Sufficiency:

Paul F. Jones 1/29/07  
Assistant County Attorney

This amendment complies with  
our review requirements.

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 10/95  
ADM FORM 01

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

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**FIRST AMENDMENT TO AGREEMENT BETWEEN  
PALM BEACH COUNTY, THE CITY OF WEST PALM BEACH, AND THE  
ARMORY ART CENTER, INC. FOR FUNDING OF RENOVATION OF THE ROBERT  
AND MARY MONTGOMERY HISTORIC ARMORY BUILDING - PHASE I**

**THIS FIRST AMENDMENT TO AGREEMENT** is entered into on \_\_\_\_\_, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", the City of West Palm Beach, a Florida municipal corporation, hereinafter referred to as "MUNICIPALITY" and The Armory Art Center, Inc., a Florida not-for-profit corporation authorized to do business in the State of Florida, hereinafter referred to as "AGENCY".

**WITNESSETH:**

**WHEREAS**, on February 1, 2005, COUNTY entered into a tri-party Agreement with MUNICIPALITY and AGENCY (R-2005-0276) to provide funding to AGENCY in an amount not-to-exceed \$600,000 for Phase I renovations to the Robert and Mary Montgomery Historic Armory Building to be completed on or before January 31, 2007; and

**WHEREAS**, AGENCY desires to adjust project elements and amounts because of cost increases and to have a more practical project design in light of post hurricane facility needs and changes in technology; and

**WHEREAS**, AGENCY desires to extend the project completion date to June 30, 2007, to ensure that there is sufficient time to complete the project and prepare reimbursement documentation before the project completion date; and

**WHEREAS**, Agency has provided a revised Exhibit "A" to the Agreement to reflect the revised project elements and line items for reimbursement, which totals \$600,000, as initially approved; and

**WHEREAS**, COUNTY desires to allow for a revision of the project elements as reflected in the revised Exhibit "A" and to desires to extend the project completion date until June 30, 2007, and; and

**WHEREAS**, both parties desire to amend the Agreement.

**NOW THEREFORE**, the parties hereby agree as follows:

1. Section 2.06 of the Agreement shall be revised to delete "AGENCY agrees to totally complete the Project and open same to the public for its intended use within twenty four (24) months from the date of execution of this Agreement by the parties hereto." and insert "Agency agrees to totally complete the Project and open same to the public for its intended use by June 30, 2007." in its place.

2. The Project Description and Cost Estimate in Exhibit "A" shall be adjusted in accordance with the attached Revised Exhibit "A" to adjust project elements and line items for reimbursement as reflected in the revised Exhibit "A".

3. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

**ATTEST:**

**SHARON R. BOCK, Clerk &  
Comptroller**

**PALM BEACH COUNTY, FLORIDA, BY  
ITSBOARDOFCOUNTYCOMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Commissioner Addie L. Greene, Chairperson

**ATTEST:**

By: [Signature]  
City Clerk

**CITY OF WEST PALM BEACH**  
By: [Signature]  
Mayor

**WITNESSES**

[Signature]  
[Signature]

**THE ARMORY ART CENTER, INC.**

FEI # 59-2808612

By: TERESE M. SHEHAN  
Name (Type or Print)  
Executive Director  
Title  
[Signature]  
Signature

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY**

By: \_\_\_\_\_  
Agency Attorney

By: \_\_\_\_\_  
County Attorney

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND CONDITIONS**

By: CMU 12/14/06  
Municipality Attorney

By: [Signature]  
Dennis L. Eshleman, Director  
Parks and Recreation Department

**FIRST AMENDMENT  
TO AGREEMENT BETWEEN PALM BEACH COUNTY, THE CITY OF WEST  
PALM BEACH, AND THE ARMORY ART CENTER, INC. FOR FUNDING OF  
RENOVATION OF THE ROBERT AND MARY MONTGOMERY HISTORY  
ARMORY BUILDING – PHASE I**

**REVISED PROJECT DESCRIPTION  
OCTOBER 2006**

The renovation of the Robert and Mary Montgomery Historic Armory Building began in earnest on June 26, 2006 and is proceeding close to schedule. Funding from the 2002 Recreation and Cultural Facilities Bond need to be reallocated from the original plan into more pertinent areas of need. These changes result from cost increases and reflect the review of the practicality of the original 2002 Project Design in light of post hurricane facility needs and changes in technology.

This Revised Project Description adjusts the following elements –

Elimination of:

- Outdoor Pavilion
- Photography Darkroom

Reallocation of budget lines to:

- Construction Cost Increases
- Repainting of Building Exterior following Roof Repair
- Relocation of Greenfield Gallery
- Conference Room Rehabilitation



<b>RENOVATION OF THE ROBERT &amp; MARY MONTGOMERY HISTORIC ARMORY BUILDING BUDGET REVISION SEPTEMBER 2006</b>		
<b>AIA</b>	<b>CATEGORY</b>	<b>REQUEST</b>
	Architectural Services	
Division 1	General Requirements	\$ 141,589
Division 2	Site Construction	
Division 3	Concrete	
Division 4	Masonry	
Division 5	Metals	\$ 7,633
Division 6	Wood & Plastic	\$ 7,721
Division 7	Thermal & Moisture Protection	\$ 170,958
Division 8	Doors & Windows	\$ 28,137
Division 9	Finishes	\$ 189,762
Division 10	Specialities	\$ 1,100
Division 11	Equipment	
Division 12	Furnishings	\$ -
Division 13	Special Construction	
Division 14	Conveying Systems	
Division 15	Mechanical	\$ 53,100
Division 16	Electrical	
	<b>TOTAL</b>	<b>\$ 600,000</b>

Exhibit A - Revised