

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 5, 2009

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: A) termination of the Agreement (R-2008-0552) with the City of Boca Raton in an amount not-to-exceed \$350,000 from the 2002 Recreation and Cultural Facilities Bond for the purchase of governmental channel television equipment; and B) reallocation of the \$350,000 to the Boca Raton CRA and the Mizner Park Cultural Arts Association, Inc. for construction of a black box theater in the Boca Raton Cultural Center.

Summary: Boca Raton has requested that this funding Agreement with the County for the purchase of governmental channel television equipment be terminated due to usage changes of Channel 19 that no longer allow the City to broadcast on that channel. The City has also requested that this \$350,000 be added to the \$1,200,000 currently allocated to the Boca Raton Cultural Center black box theater project to be constructed at the Boca Raton Cultural Center at Mizner Park (formerly the Cartoon Museum). The District 4 Commissioner supports the termination of the Agreement for the television equipment and the reallocation of these funds to the black box theater project. District 4 (PK)

Background and Justification: On April 1, 2008, the Board entered into a funding Agreement with the City of Boca Raton approving funding in an amount not-to-exceed \$350,000 to be used for the purchase and installation of governmental channel television equipment. Since that time, changes have been made in the usage of Channel 19, and the City will no longer be able to broadcast from that channel. The City now wishes to utilize the \$350,000 to augment previously allocated 2002 Bond funding of \$1,200,000 for construction of a black box theater. The black box theater will be constructed and operated by the Mizner Park Cultural Arts Association, Inc. (MPCAA), and the Agreement will be a tri-party Agreement with the Boca Raton CRA and MPCAA.

The Agreement for construction of the black box has not yet been finalized, but the City and MPCAA are now ready to proceed with the project. Upon approval of the Board to reallocate the \$350,000 to the City and MPCAA, staff will develop a Tri-Party Agreement in the amount of \$1,550,000 for the black box project and will place the Agreement on a subsequent Agenda for Board approval.

Attachments:

1. Letter from City of Boca Raton
2. Commissioner authorization to redirect funding

Recommended by: 
Department Director

4/17/09
Date

Approved by: 
Assistant County Administrator

4/27/09
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
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)	<u>0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Is Item Included in Current Budget? Yes No
 Budget Account No.: Fund Department Unit
 Object Program

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

This agenda item does not have any additional fiscal impact to the County. Upon approval of this reallocation, a subsequent agenda item will be presented to the Board to approval.

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

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

[Signature] 4/24/09
 OFMB 4/23/09
 4/21/09 CN 4/21/09

[Signature] 4/24/09
 Contract Development and Control

B. Legal Sufficiency:

[Signature] 4/27/09
 Assistant County Attorney

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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January 23, 2009

Mr. Dennis L. Eshleman, Director of Parks and Recreation
Palm Beach County Parks and Recreation Department
2700 Sixth Avenue South
Lake Worth, FL 33461

Re: \$350,000 Grant for Equipment for Boca Raton's Governmental Television Channel

Dear Mr. Eshleman:

As you are aware, the School Board of Broward County recently exercised the must carry rights accorded their television station, Broward Educational Communications Network (BECON). Therefore, Comcast now carries BECON programming on channel 19 in Palm Beach County. Early in our discussion about the \$350,000 grant to acquire equipment for a television studio at the former Cartoon Museum, we agreed that the City would relinquish channel 20 to the County in return for the City being able to broadcast on channel 19. Due to BECON, this is no longer possible and the City cannot fulfill the County's expectations.

In December, City Manager Leif Ahnell spoke with former County Commissioner McCarty to discuss this situation. They agreed that it would be best to reallocate the \$350,000 television studio grant to the grant for the Black Box Theater in the former Cartoon Museum at Mizner Park, as both grants were meant to support cultural arts in Mizner Park. So it seems logical to agree to cancel the grant agreement for television studio equipment and roll the \$350,000 grant amount into the pending grant for the Black Box Theater. The new grant agreement would then be in the amount of \$1.55 million. Our staffs have discussed our intent to accomplish this rollover. City staff is working with the Mizner Park Cultural Arts Association to finish the pending grant agreement for your approval.

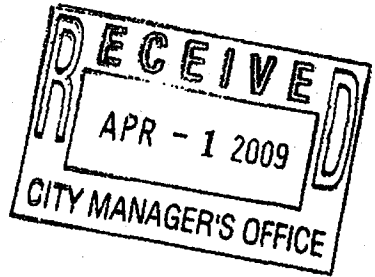
Should you wish to discuss this, please do not hesitate to call me at 561-393-7703.

Sincerely,

A handwritten signature in black ink, appearing to read "George S. Brown".

George S. Brown
Deputy City Manager

c: Leif J. Ahnell, C.P.A., C.G.F.O., City Manager



P.O. Box 1989
 West Palm Beach, FL 33402-1989
 (561) 355-2001
 FAX: (561) 355-3990
 www.pbcgov.com

March 30, 2009

Mr. George Brown, Deputy City Manager
 City of Boca Raton
 201 W. Palmetto Park Road
 Boca Raton, FL 33432

RE: Termination of Recreation and Cultural Facilities Bond Funding for Boca Raton Television Station and Proposed Reallocation to Boca Raton Cultural Center Black Box

**Palm Beach County
 Board of County
 Commissioners**

- Jeff Koons, Chairman
- Burt Aaronson, Vice Chairman
- Karen T. Marcus
- Shelley Vana
- Steven L. Abrams
- Jess R. Santamaria
- Addie L. Greene

County Administrator

Robert Weisman



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 Affirmative Action Employer"

Dear Mr. Brown:

George

I have reviewed your letter to Parks and Recreation Director Dennis Eshleman requesting that the County terminate the existing 2002 Recreation and Cultural Bond Agreement (R-2008-052) in the amount of \$350,000 for the purchase of equipment for Boca Raton's governmental station television equipment. You are requesting that the Agreement be dissolved due to usage changes of Channel 19 that no longer allow the City to broadcast on that channel. In addition, you have requested that the \$350,000 be reallocated to the Boca Raton Cultural Center Black Box Theater project to be constructed and operated by the Mizner Park Cultural Arts Association (MPCAA).

I concur with this proposal, and have directed staff to prepare an Agenda item to approve termination of Agreement R-2008-052 and reallocation of the \$350,000, which will increase the amount of the previous allocation for the Black Box Theater project from \$1,200,000 to \$1,550,000. Upon Board approval of this Agenda item and upon receipt of exhibits necessary to prepare a tri-party Agreement with the City of Boca Raton and MPCAA for funding of the Black Box Theater, we will prepare the Agreement for the \$1,550,000 for this project and send it to MPCAA and the City for approval. The Exhibits needed for the funding Agreement for the Black Box are:

- Project Description and Cost Estimate;
- Conceptual Plan;
- Legal Description; and
- Pre-Agreement Cost List, if Applicable.

We will place the request for the existing Agreement's termination and reallocation of funding to the Black Box project on the May 5, 2009 Agenda for approval by the Board of County Commissioners. Please contact Dennis Eshleman at 966-6685 or Administrative Support Manager Susan Yinger at 966-6653 to discuss any questions regarding this process. Also, I would encourage you to submit the requested Exhibits as soon as possible so that the funding Agreement for the Black Box project may be accomplished.

Sincerely,

Steven L. Abrams

Steven L. Abrams
 Commissioner, District 4

SLA:SWY
 Copy to:

Dennis L. Eshleman
 Jon Van Arnam, Assistant County Administrator
 Paul King, Assistant County Attorney