PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	December 4, 2012	[X] Consent [] Ordinance	[] Regular [] Public Hearing				
Department:	Facilities Developmen	t & Operations					
	I. <u>E</u> 2	XECUTIVE BRIEF					
Motion and Title: Staff recommends motion to approve: Exercise of the second option to extend Lease Agreement (R2006-0077) with Robert Weatherbee d/b/a The Sub Division, a sole proprietor, to continue to provide food services at the County's Vista Center 2300 Building in West Palm Beach at an annual rate of \$8,759.90.							
Summary: Since January 1, 2007, Robert Weatherbee d/b/a The Sub Division (Weatherbee) has been leasing 349 sf of space in the Lunchroom area to provide food services at the County's Vista Center 2300 Building located at 2300 North Jog Road in West Palm Beach. The initial term of the Lease was for five (5) years commencing on January 1, 2007, and contained two (2) one (1) year extension options subject to Board approval. Weatherbee has requested the County's consent to his exercise of the second and final one (1) year extension option which will extend the term through December 31, 2013. (PREM) District 2 (HJF)							
Background and Justification: On July 31, 2005, Staff issued a Request for Proposals to lease space and provide food services at the County's Vista Center 2300 Building, located at 2300 North Jog Road in West Palm Beach. On January 10, 2006, the RFP was awarded to Weatherbee (R2006-0077). The Lease premises consist of 349 sf within the lunchroom area of the 2300 Building, together with the use of two unassigned parking spaces within the parking garage. On December 1, 2009, the Board approved a First Amendment (R2009-2063) suspending the four percent (4%) increase in annual rent for one (1) year due to economic conditions caused in part by the reduction of County Staff located at the 2300 Building. On December 6, 2011, the Board approved a Second Amendment (R2011-1936) that exercised the first option and extended the term through December 31, 2012. Menu prices had remained unchanged since opening until recently when administrative approval was granted to increase prices by an average of ten percent (10%). Mr. Weatherbee has also requested that the County grant him two (2) additional one (1) year options. Staff is evaluating this request and will return to the Board for further direction in the near future. Florida Statutes Section 286.23 does not require that a Disclosure of Beneficial Interests be obtained.							
2. B 3. L	Location Map Board Extension Consent Le Letter dated September 18, 2 Budget Availability Statemen	2012, from Robert Weat	herbee				
Recommended By: Zett Army Work 11/4/12 Department Director Date							

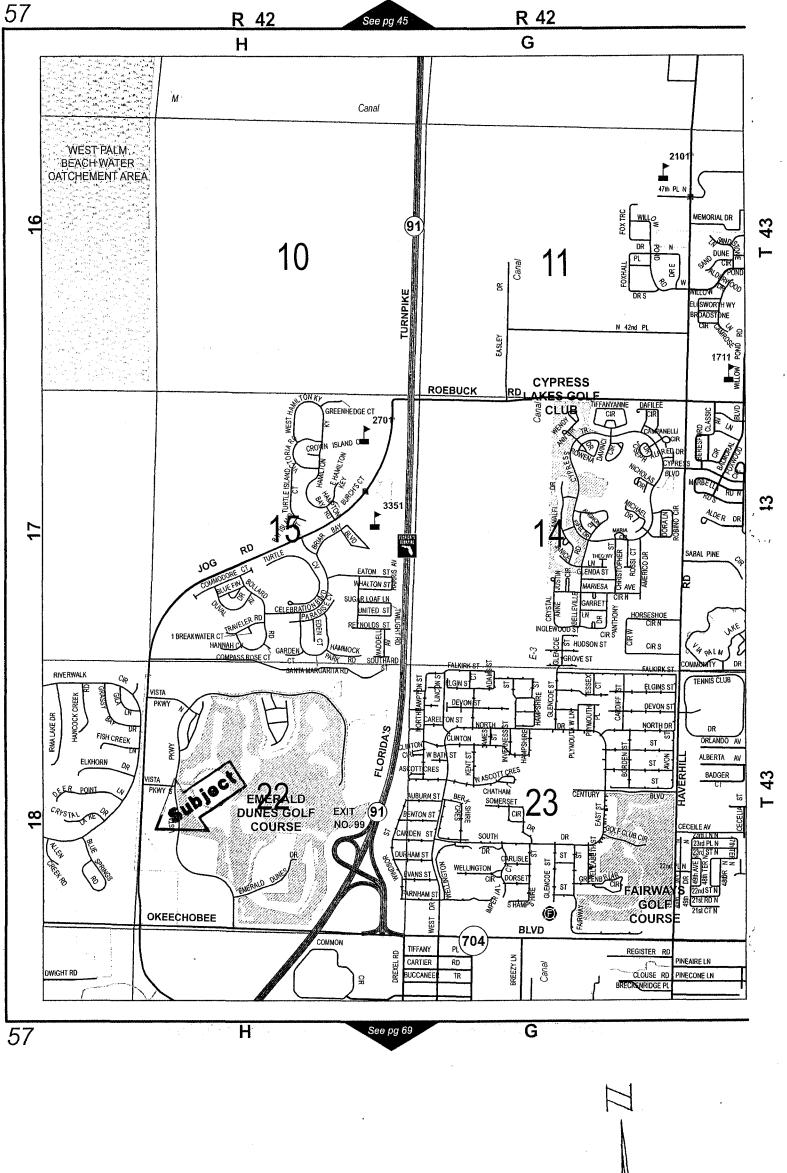
County Administrator

Approved By: _____

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of Fis	cai impact.						
Fiscal '	Years	2013	2014	2015	2016	2017		
Operat Extern Progra	l Expenditures ting Costs al Revenues am Income (County) ad Match (County	(\$6,569,91) ———	(\$2,189.97) 					
NET F	TISCAL IMPACT	(\$6,569.91)	(\$2,189.97)					
	OITIONAL FTE FIONS (Cumulative)							
Is Iten	n Included in Current Bud	lget: Yes	X No					
Budge	t Account No: Fund P	0001 Dept	<u>800</u> Ur —	nit <u>8001</u>	Object <u>6225</u>	·		
B. Recommended Sources of Funds/Summary of Fiscal Impact: C. Departmental Fiscal Review:								
III. <u>REVIEW COMMENTS</u>								
A.	OFMB Fiscal and/or Con	<u>, Illis</u> kor	Contract Deve	J-Jac	Control	162		
В.	Legal Sufficiency: Assistant County Attorney	121/12						
C.	Other Department Revie	w:						
	Department Director							

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



LOCATION MAP





Facilities Development & Operations Department
Property & Real Estate
Management Division

2633 Vista Parkway
West Palm Beach, FL 33411-5605
(561) 233-0217
FAX: (561) 233-0210
www.pbcgov.com/fdo

Palm Beach County Board of County Commissioners

Shelley Vana, Chair

Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

December 4, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7006 2760 0004 3173 6808

Robert Weatherbee d/b/a The Sub-Division 5255 Whitewood Cove South Lake Worth, FL 33467

Re: Exercise of Option to Renew Lease Agreement dated January 10, 2006 (R2006-0077) between Palm Beach County and Robert Weatherbee d/b/a The Sub-Division

Dear Mr. Weatherbee:

Pursuant to the provisions of Section 1.07 of the above referenced Lease Agreement, as amended, Palm Beach County hereby agrees that the Lease term for the Premises shall be renewed for the second of two (2) available one (1) year renewal periods as requested by Robert Weatherbee d/b/a The Sub-Division, thereby extending the Lease through December 31, 2013.

ATTEST:

SHARON R. BOCK, CLERK & COMPTROLLER PALM BEACH COUNTY, a political subdivision of the State of Florida

By:______
Deputy Clerk

By:______, Chair

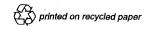
APPROVED AS TO FORM LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: Assistant County Attorney

Department Director

"An Equal Opportunity
Affirmative Action Employer"



WITNESSES:

Witness Signature

Print Witness Name

Witness Signature

Richard C Bogatin Print Witness Name AGREED TO/ ACCEPTED BY TENANT:

ROBERT WEATHERBEE d/b/a THE

SUB-DIVISION, a sole proprietor

3y: /V

Robert Weatherbee

\\FDO-FS\common\\PREM\\PM\\In Lease\\Vista Center Food Service\\Opt 2 of 2 BCC Consent 2012\\BCC Extension Ltr. 001.doc

THE SUB-DIVISION CORP 2300 N Jog Rd West Palm Beach FL 33411 561 681 4700

September 18, 2012 Palm Beach County Property and Real Estate Management Division Attention: Ross C. Hering, Director 2633 Vista Parkway West Palm Beach, FL 33411

RE: Request to exercise the final of two 1 year renewal option for the Lease Agreement dated January 10, 2006, as amended, between Palm Beach County and Robert Weatherbee d/b/a The Sub Division, a sole proprietor

Dear Mr. Hering:

Pursuant to Section 1.07, of the above referenced Lease Agreement, please accept this as my request to exercise my final year of two 1 year renewal options.

Please contact me at 561 681 4701, should you have any questions

Sincerely,

Robert Weatherbee D/b/a The Sub Division

the second secon

cc: County Attorney, Palm Beach County Richard C, Bogatin, Property Specialist - PREM

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BUDGET AVAILABILITY STATEMENT

REQUEST DATE: October 20, 2012	REQUESTED	BY: Richard Bo	ogatin	PHON FAX:	E: 561.233.021 561.233.021	
PROJECT TITLE: Vista Center F		PROJECT NO.: 2012-5.026				
Fiscal Years	2013	2014	20	15	2016	2017
Capital Expenditures		-				
Operating Costs External Revenues	(\$6,596.91)	(\$2,189.97)				-
Program Income (County)				_		
In-Kind Match (County	·			_		
NET FISCAL IMPACT	(\$6,596.91)	(\$2,189.97)		=	***************************************	
# ADDITIONAL FTE POSITIONS (Cumulative)				_		
** By signing this BAS your departme this BAS by FD&O. Unless there is a c	ent agrees to the change in the sco	se staff costs and ope of work, no ac	your a	ccount w l staff ch	vill be charged aarges will be b	upon receipt illed.
BUDGET ACCOUNT NUMBER FUND: 0001	DEPT: 800			OBJ: (6225 SUB OBJ:	
IS ITEM INCLUDED IN CURREN	NT BUDGET: Y	YES X N	Ю			
☐ Non-Ad Valorem (source/type:	e: Operatin			☐ Fed)))) leral/Davis Bac	
SUBJECT TO IG FEE?	□ YES			□ <i>NO</i>	•	
Department:/						
BAS APPROVED BY:		DATE:	:	10 2	612	
ENCUMBRANCE NUMBER:						

<i>ACORD</i> "	

CERTIFICATE OF LIABILITY INSURANCE

06/11/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

COVERAGES CERTIFICATE NUMBER:		REVISION NUMBER:	
West Palm Beach	FL 33411	INSURER E:	
2300 N Jog Road			
Robert Weatherbee		INSURER D:	
The Sub Division Corp.		INSURER C:	
INSURED		INSURER B: Tapco Underwriting	<u>İ</u>
	·	INSURER A : Travelers	
JUNO BEACH, FL 33408		INSURER(S) AFFORDING COVERAGE	NAIC#
12832 US HWY #1		ADDRESS: johnkime@allstate.com	•
JOHN KIME AGENCY		PHONE (A/C, Ng, Ext): 561-627-1806 (A/C, Ng): 561-6	527-9847
PRODUCER		CONTACT John Kime	
	ondoronionio,		

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	TYPE OF INSURANCE	ADDL	SUBR	POLICY NUMBER	POLICY EFF	POLICY EXP	LIMIT	3	
Α	GENERAL LIABILITY			I-660-1A395281-COF-12	05/04/2012	05/04/2013	EACH OCCURRENCE	\$	1,000,000
	X COMMERCIAL GENERAL LIABILITY		,	1000 17 100020 1001 12	00/04/2012	00/0-7/2010	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ \$	100,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	\$	5,000
							PERSONAL & ADV INJURY	5	1,000,000
				•			GENERAL AGGREGATE	\$	2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					1	PRÓDUCTS - COMP/OP AGG	\$	2,000,000
	POUCY PRO LOC				}			8	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	s	
	ANY AUTO	ALL OWNED SCHEDULED AUTOS				BODILY NJURY (Per person)	\$		
	AUTOS AUTOS			·		·	BODILY NJURY (Per ecoldent)	\$	
	HIRED AUTOS NON-OWNED AUTOS				• •		PROPERTY DAMAGE (Per accident)	\$	
				•				\$	
	UMBRELLA LIAB OCCUR				1		EACH OCCURRENCE	3	
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	\$_	
	DED RETENTIONS		i 	·				\$	•
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY YIN					,	WC STATU- OTH-		
		N/A					E.L. EACH ACCIDENT	\$	
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	\$	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	\$	
В	Business Personal Property			HISPB-D	07/19/2012	07/19/2013	\$50,000		· · · · · · · · · · · · · · · · · · ·
	<u> </u>				1.				i
	 				1	,	,		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Palm Beach County Board of County Commissioners is listed as additional Insured

CER	MEI	CA	TE	HO	DER

Attn: Director

CANCELLATION

Palm Beach County Board of County Commissioners c/o Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, FL 33411-5605

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

M Kim l
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STATEMENT OF EXEMPTION FROM WORKER'S COMPENSATION REQUIREMENT

TO: Palm Beach County Board of County Commissioners Property and Real Estate Management Attn: Director 2633 Vista Parkway West Palm Beach, FL 33411

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MAY 0 6 2011

This will affirm that:

- 1. We are not engaged in the "construction industry" as defined in FL Chapter 440 and do not employ more than three persons (including Corporate Officers, if any).
- 2. We do not carry Florida Workers Compensation insurance.
- 3. Any persons that we may engage to work will have legal status as independent contractors, and not employees.
- 4. All such independent contractors have been advised that they are not covered for Workers Compensation insurance, and would be responsible for carrying their own such coverage if they desire.
- 5. If we should fall under Florida's requirement for carrying Workers Compensation insurance, we shall immediately obtain such coverage and provide evidence of it to you.

Accordingly, we hereby apply for exemption from Palm Beach County's requirement for carrying Workers Compensation insurance.

ROBERT WEATHERBER	
(Please Print Name)	
Patollathet Rus.	4/20/11
Signature/Title	Date [′]
THE SUB DIVISION CORP.	
Company Name	
2300 N JOGRO WPB.	334//
Company Street Address/City/State/7in Code	