

## AGENDA ITEM SUMMARY

**Meeting Date:**

**December 1, 2015**

**[X] Consent**

**[ ] Regular**

**[ ] Ordinance**

**[ ] Public Hearing**

Department:

## **I. EXECUTIVE 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 \$9,853.70/year.

**Summary:** Since January 1, 2007, Robert Weatherbee d/b/a The Sub Division (Weatherbee) has been leasing 349 square feet of space in the lunchroom area to provide food services at the County's Vista Center 2300 Building. On September 10, 2013, the Board approved a Third Amendment (R2013-1225) which extended the Lease for one (1) year through December 31, 2014, and added three (3) additional one (1) year extension options. Weatherbee has requested the County's consent to his exercise of the second extension option which will extend the term through December 31, 2016. Annual Rent during this extension will be increased by four percent (4%) to \$9,853.70/year. PREM will continue to have administrative responsibility for this lease. All other terms of the Lease Agreement remain in full force and effect. **(PREM) District 2 (HJF)**

**Background and Justification:** On July 31, 2005, Staff issued a Request for Proposals (RFP) to lease space and provide food services at the County's Vista Center 2300 Building. On January 10, 2006, the RFP was awarded to Sub Division (R2006-0077). The Lease premises consist of 349 square feet within the lunchroom area of the 2300 Building, together with the use of two (2) unassigned parking spaces within the parking garage. Pursuant to the RFP, Sub Division was required to pay for interior improvements, alterations and provide the kitchen equipment necessary to operate.

On December 1, 2009, the Board approved a First Amendment (R2009-2063) suspending the required 4% annual rent increase for a period of one (1) year due to economic conditions caused, in part, by the reduction of County staff located at the buildings at Vista Center. The 4% annual increases recommenced on January 1, 2011. On December 6, 2011, the Board approved a Second Amendment (R2011-1936) exercising the first extension option. In November of 2012, Weatherbee provided Staff documentation evidencing product costs had increased by approximately 25% and Staff authorized an increase in menu prices by approximately 13%. On December 4, 2012, the Board consented to the exercise of the second and final one (1) year extension option (R2012-1789).

**(Continued on Page 3)**

**Attachments:**

1. Location Map
2. Board Extension Consent Letter
3. Letter dated August 10, 2015, from Robert Weatherbee

**Recommended By:**

Department Director

11/6/15  
Date

Date \_\_\_\_\_

**Approved By:**

County Administrator

11/17/15  
Date

Date \_\_\_\_\_

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$7,390)	(\$2,464)	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$7,390)	(\$2,464)	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes   X   No \_\_\_\_\_

Budget Account No: Fund   0001   Dept   800   Unit   8001   Object   6225    
Program \_\_\_\_\_

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

Fixed Assets Number:   M09333  

C. Departmental Fiscal Review: \_\_\_\_\_

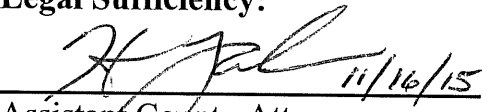
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

  
OFMB   11/10/15

  
Contract Development and Control   11/12/15    
  B. Wheeler     11-12-15

B. Legal Sufficiency:

  
  11/16/15    
Assistant County Attorney

C. Other Department Review:

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

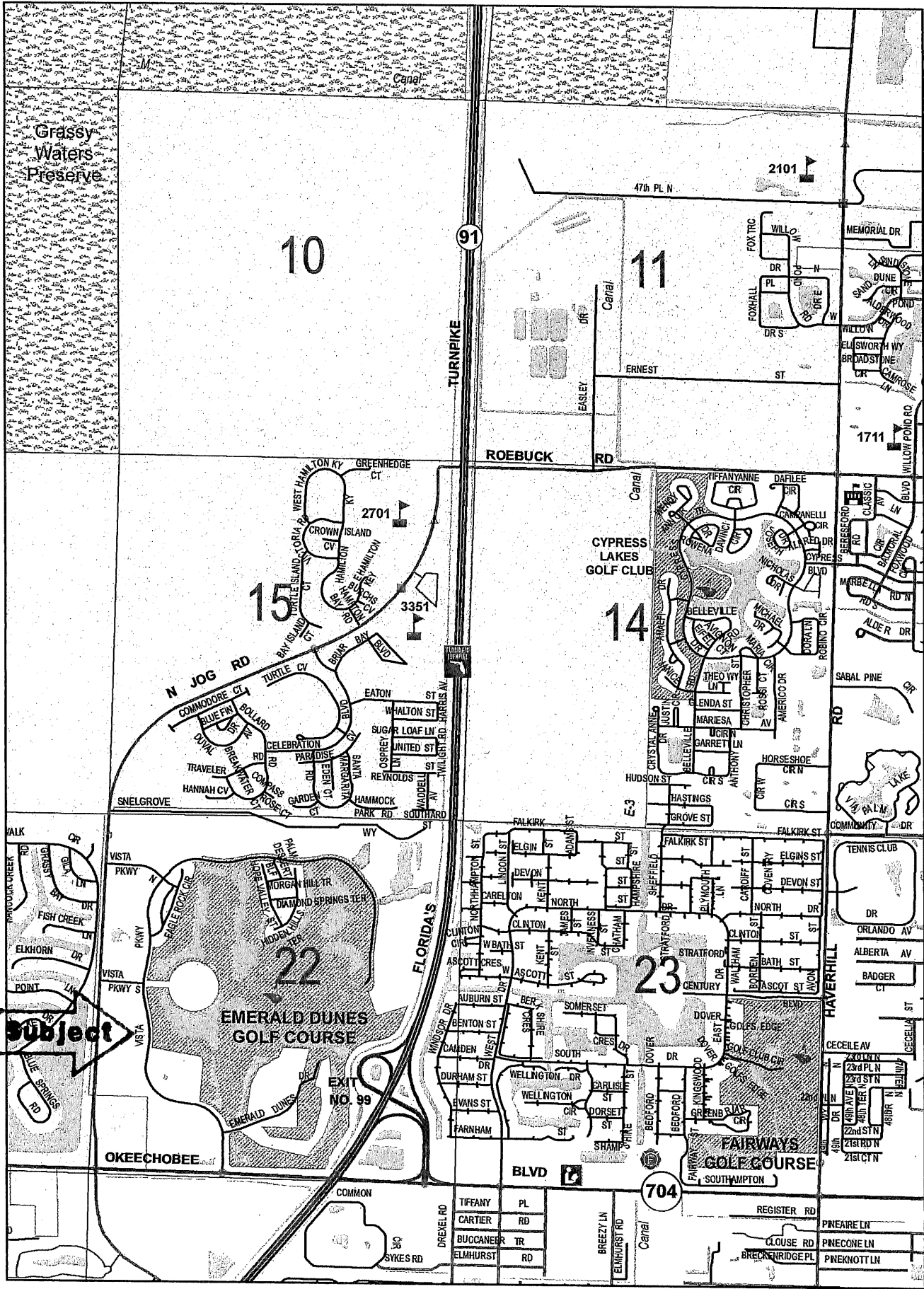
This summary is not to be used as a basis for payment.

**Background and Justification (cont'd):** On September 10, 2013, the Board approved a Third Amendment (R2013-1224) extending the term of the Lease Agreement for one (1) year through December 31, 2014, and added three (3) additional one (1) year extensions due to economic conditions negatively impacting food and beverage sales, which reduced the expected return on Weatherbee's initial investment. Weatherbee exercised the first option on December 16, 2014, (R2014-1980), extending the term through December 31, 2015. Exercise of this second extension option will extend the term of the Lease Agreement through December 31, 2016. Florida Statutes does not require a Disclosure of Beneficial Interests be obtained. Weatherbee has affirmed that its non-discrimination policy is consistent with the County's policy.

WP 43

WP 43

WP 43



RNG 42

See pg 69

RNG 42

LOCATION MAP

Attachment No. 1

ATTACHMENT NO. 2  
(2 pages)



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
# \_\_\_\_\_

November 17, 2015

**Facilities Development &  
Operations Department**

**Property & Real Estate  
Management Division**

2633 Vista Parkway  
West Palm Beach, FL 33411  
Telephone - (561) 233-0217  
Facsimile (561) 233-0210  
[www.pbcgov.com/fdo](http://www.pbcgov.com/fdo)



**Palm Beach County  
Board of County  
Commissioners**

Hal R. Valeche  
Paulette Burdick  
Shelley Vana  
Steven L. Abrams  
Mary Lou Berger  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

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

**Re: Exercise of Option 2 of 3 to Renew Lease Agreement, as  
amended, dated January 10, 2006 (R2006-0077)**

Dear Mr. Weatherbee:

Pursuant to the provisions of Section 1.07 of the above referenced Lease Agreement, Palm Beach County hereby accepts your exercise of option to extend the term of the Lease for one (1) year through December 31, 2016.

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

APPROVED AS TO FORM  
LEGAL SUFFICIENCY

By:   
Assistant County Attorney

PALM BEACH COUNTY,  
a political subdivision of the State of  
Florida

By: \_\_\_\_\_  
, Mayor


APPROVED AS TO TERMS AND  
CONDITIONS

By:   
Department Director


**AGREED TO/  
ACCEPTED BY TENANT:**

WITNESSES:

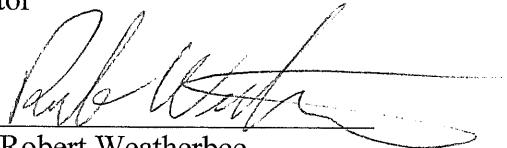
ROBERT WEATHERBEE d/b/a  
THE SUB-DIVISION, a sole  
proprietor

  
\_\_\_\_\_  
Witness Signature

Peta-Gaye Belizaire  
Print Witness Name

  
\_\_\_\_\_  
Witness Signature

Richard C Bogard  
Print Witness Name

By:   
\_\_\_\_\_  
Robert Weatherbee

ATTACHMENT NO. 3  
(1 page)

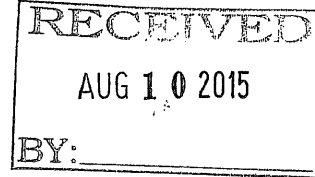


The Sub Division  
Robert Weatherbee, sole proprietor  
5255 Whitewood Cove  
Lake Worth, Florida 33467  
561-681-4700

**Hand Delivered**

August 10, 2015

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



RE: Request Exercise of second of three one-year options pursuant to the Third Amendment (R2013-1225) approved September 10, 2013, to Lease Agreement (R2006-0077), dated January 10, 2006 between Palm Beach County and Robert Weatherbee d/b/a the Sub Division, a sole proprietor.

Dear Mr. Hering:

Pursuant to Section 1.07 as amended, of the above referenced lease agreement please accept this as my request to exercise my second of three one-year extension options.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Weatherbee".

Robert Weatherbee  
D/B/A the Sub Division

Cc: County Attorney's Office, Palm Beach County  
Richard C. Bogatin, Property Specialist