Agenda Item: 3F3

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

ACENDATIE			
Meeting Date: June 19, 2018	[×] []	Consent Workshop	[] Regular [] Public Hearing
Department: Submitted By: Department of Airports Submitted For: Department of Airports		:========	
I. EXECUT	IVE BRIEF	<u> </u>	
Motion and Title: Staff recommends (Amendment) to Amended and Restated Fixe 2016-0759) with Galaxy Aviation of Lantana, (Stellar), providing for a rental credit of \$2,6 aircraft to accommodate taxilane improvem (Lantana Airport).	ed Base O Inc. d/b/a 600.00 per	perator Lease Stellar Aviati week for the	on of South Palm Beach temporary relocation of
Summary: West Construction, Inc. is currimprovements at the Lantana Airport pursuant the County on July 11, 2017, which includes a construction of vehicle access roads; and improvements. In order expedite the reconstruction of the aircraft stored in the hangars will need be able to be removed from the hangars during relocate the aircraft located in individual accommunity hangars. Aircraft located within displaced to accommodate aircraft previously loss of rental revenues to Stellar. Aircraft located by authorized staff for liability reasons; therefore in and out of the community hangars, which movements. Stellar has estimated the revenues to be approximately \$2,600 per was a rental credit of \$2,600 per week until the Department currently anticipates this phase approximately five weeks. Approval of this the reconstruction of the taxilane and recountywide (HJF)	nt to a Confreconstruction of a construction of a construction of a construction the conformated in confore, Stellar will required and the confore, Stellar will required as a conferment of the conformated in the conformated in conformated in conformated in conformated in conformated in the confermated in the conferm	ntract (R-201) tion of aircraft ighting, drain taxilane loca emporarily rele tion. Stellar in namunity hand hangar row in munity hand ar will be resp e additional se d staffing co Amendment in construction ne project to the impacts	7-0759) entered into with a apron and taxilanes; the lage, utility and security ted in front of hangar row ocated since they will not has agreed to temporarily agar row 500 to shared gars will be temporarily 500, which will result in a lars may only be removed onsible for towing aircraft staff to assist with aircraft ests associated with the would provide Stellar with project is complete. The obe completed within the contractor to expedite on hangar subtenants.
Background and Justification: Stellar provide Airport pursuant to the Lease. Stellar is a business in Lantana, Florida. Approval of the necessary for the contractor to complete the need to be completed in phases in order to eminimize the impacts to the subtenants local continue to access to their aircraft during contracts.	a Florida on Florida o	corporation was ment will dec reconstruction craft access to the hangars	rease the amount of time or since the amount of time on since the work will not the hangars. It will also by ensuring that they will
Attachments: 1. Second Amendment (3) 2. Cost Estimate		.========	.==============
AB M	201		
Recommended By:	Director		Date
Approved By:	Elen		6 [8]18
County Adm	inistrator		Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fisc	al Impact:				
Fiscal Years	<u>2018</u>	2019	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures Operating Costs Operating Revenues	<u>\$13,000</u>				
Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative)	\$13,000				
Is Item Included in Current Bu Does this item include the use	dget? Ye e of federal	es No funds? Yes _	X No <u>X</u>		
Budget Account No: Fund		artment <u>121</u> Category		Object <u>_</u>	6504
B. Recommended Sources of The Department currently an completed within five weeks the project is completed.	ticipates the	construction p	roject to begir	n on June 24 credit \$2,60	, 2018 and to be 0 per week until
C. Departmental Fiscal Review	w:	1 Sum	<u>v</u>		
	III. REVIE	W COMMENTS	<u> </u>		
A. OFMB Fiscal and/or Contract Development and Control Comments:					
5/30 OFMB (20) 5/	1 lie 15 \$1005		Contract	Dev. and Co	ontrol
B. Legal Sufficiency: 6/1/18 Assistant County Attorney	>				
C. Other Department Review:					
Department Director					
REVISED 9/03 ADM FORM 01 (THIS SUMMARY IS NOT TO BE US	ED AS A BASI	S FOR PAYMEN	г)		

CERTIFICATE

(Corporation)

The undersigned hereby certifies that the following are true and correct statements:

1. That <u>Michael Faren</u> is the Secretary of <u>Galaxy Aviation of Lantana Inc.</u> <u>d/b/a Stellar Aviation of Palm Beach</u>, a corporation organized and existing in good standing under the laws of the State Florida hereinafter referred to as the "Corporation", and that the following Resolutions are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as of the <u>15th</u> day of <u>May</u>, 20<u>18</u>, in accordance with the laws of the State of Florida, the Articles of Incorporation and the By-laws of the Corporation:

RESOLVED, that the Corporation shall enter into that certain <u>Second Amendment to Amended and Restated Fixed Base Operator Lease Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation (the "Agreement"), a copy of which is attached hereto; and be it</u>

FURTHER RESOLVED, that _______, the _______, the _______, the _______, the _______, of the Corporation, is hereby authorized and instructed to execute such Agreement and such other instruments as may be necessary and appropriate for the Corporation to fulfill its obligations under the Agreement.

- 2. That the foregoing resolutions have not been modified, amended, rescinded, revoked or otherwise changed and remain in full force and effect as of the date hereof.
- 3. That the Corporation is in good standing under the laws of the State of Florida, and has qualified, if legally required, to do business in the State of Florida and has the full power and authority to enter into such Agreement.

IN WITNESS WHEREOF, the undersigned has set his hand and affixed the Corporate Seal of the Corporation the __15th___ day of __May, 2018.

[Signature]

Corporate Seal

Michael Faren, Secretary

Summary of Certificates

This report displays detailed Certificate of Insurance information for a selected Insured. Any items shown in red are deficient.

Wednesday, May 23, 2018

Simple View Certificate Images	Documents		
Insured: Galaxy Aviation of Lantana Ir	ic. Insured II	D: LNA-GL-14-01	
Status: Compliant (with	overrides)		
ITS Account Number: PLC762			
Project(s): Palm Beach County -	Airport Properties		
Insurance Policy <u>General Liability</u> Expiration: 4/1/2019	Required	Provided	<u>Override</u>
General Aggregate:	\$2,500,000	\$5,000,000	
Products - Completed Operations Aggregate:	\$2,500,000	\$2,500,000	
Personal And Advertising Injury:	\$2,500,000	\$2,500,000	
Each Occurrence:	\$2,500,000	\$2,500,000	
Fire Damage:	\$0	\$0	
Medical Expense:	\$0	\$0	
Automobile Liability Expiration: 4/1/2019	All Owned Autos Hired Autos Non-Owned Autos	All Owned Autos Hired Autos Non-Owned Autos	
Combined Single Limit:	\$1,000,000	\$1,000,000	
Workers Compensation/Employers Liability Expiration: 4/1/2019	WC Stat. Limits	WC Stat. Limits	X
Environmental Liability Expiration: 4/1/2019	Additional Insured	Additional Insured	
Each Occurrence:	\$1,000,000	\$1,000,000	
Aggregate Limit:	\$2,000,000	\$2,000,000	
Aircraft Liability Expiration: 4/1/2019	Hangarkeepers Legal Liability Additional Insured	Hangarkeepers Legal Liability Additional Insured	
Each Occurrence:	\$2,500,000	\$2,500,000	

Special Problems

Aggregate Limit:

 The Certificate Holder name and address must be revised on the Aviation Commercial General Liability certificate to read: Palm Beach County C/O Insurance Tracking Services, Inc. (ITS) P.O. Box 20270 Long Beach, CA 90801

\$2,500,000

 $https://its.insurancetrackingservices.com/clientreports/ProblemsSpecificRpt.asp?Vendor = 1... \\ \ 5/23/2018$

\$2,500,000

Notifications (Show All)

The following letters were issued:

Mar 06 2018 - Renewal Letter

Do you have an updated Certificate? Click the button below to submit a Certificate.

Certificate Submittal



SECOND AMENDMENT TO AMENDED AND RESTATED FIXED BASE OPERATOR LEASE AGREEMENT BETWEEN PALM BEACH COUNTY AND GALAXY AVIATION OF LANTANA, INC.

WITNESSETH:

WHEREAS, County, by and through its Department of Airports, owns and operates the Palm Beach County Park Airport ("Airport"), which is located in Palm Beach County, Florida; and

WHEREAS, the parties entered into that certain Amended and Restated Fixed Base Operator Lease Agreement dated June 21, 2016 (R-2016-0759), as amended (the "Lease"); and

WHEREAS, County is in the process of causing improvements to be made to the Airport in accordance with that certain Contract with West Construction, Inc., dated July 11, 2017 (R-2017-0935) as a part of the Southside Redevelopment Program Phases 1 and 2, which will require the temporary relocation of the aircraft located in Hangars 502, 504, 506, 508 and 510 (hereinafter collectively referred to as the "500 Row Hangars") in order to expedite the project ("Project"); and

WHEREAS, Tenant has agreed to temporarily relocate the aircraft located in the 500 Row Hangars to a community hangar, which will require additional staff to coordinate aircraft movements and result in a loss of rental income; and

WHEREAS, the parties now desire to amend the Lease as provided for herein.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

- 1. The foregoing recitals are true and correct and are hereby incorporated herein by reference. Terms not defined herein shall have the meanings set forth in the Lease.
- 2. County shall notify Tenant in writing of the date ("Relocation Deadline") it requires the temporary relocation of the aircraft located in the 500 Row Hangars, which date is currently anticipated to be June 24, 2018, but may be extended due to unanticipated construction delays. Tenant shall cause the aircraft in the 500 Row Hangars to be relocated on or before the Relocation Deadline, which shall not occur prior to June 24, 2018. County agrees to reimburse Tenant the amount of \$2,600 per week in the form a rental credit from the Relocation Deadline through the date ("Restoration Date") County notifies Tenant in writing that it may allow aircraft to be stored in the 500 Row Hangars again. For purposes of this Amendment, the term "week" means a period of seven (7) days, commencing on Sunday and ending on Saturday. In the event the Relocation Deadline or Restoration Date occurs on a day other than Sunday, the weekly rental credit provided in this paragraph shall be calculated and reimbursed to Tenant on a per diem basis. Rental credits shall be applied by County consecutively and in their entirety against amounts payable to County as they become due, until such time as there are no rental credits remaining. Notices provided under this paragraph by County to Tenant may be made by electronic mail to the following address: jmiller@stellaraviationgroup.com.

- 3. Except as modified herein, all terms and conditions of the Lease shall remain in full force and effect.
- 4. This Amendment shall become effective when signed by both parties and approved by the Palm Beach County Board of County Commissioners.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment, or have caused the same to be executed by their duly authorized representatives, as of the day and year first above written.

ATTEST:			
SHARON R. BOCK Clerk and Comptroller	PALM BEACH COUNTY, a political subdivision of the State of Florida by its Board of County Commissioners		
By: Deputy Clerk	By: Melissa McKinlay, Mayor		
(SEAL)			
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS		
By:Assistant County Attorney	By: Director, Department of Airports		
Signed, sealed and delivered in the presence of two witnesses for TENANT:	TENANT: Galaxy Aviation of Lantana, Inc. d/b/a Stellar Aviation of South Palm Beach		
Signature La Con Klein	By: Signature Conatha Alle		
Print Name	Print Name		
1-	Resident		
Signature	Title		
Chr. Mus			
Print Name	(SEAL)		

Galaxy Aviation of Lantana, Inc. d/b/a Stellar Aviation of South Palm Beach Estimate of Economic Impact of 500 Row Ramp Rehabilitation



Hangar Sq. Ft. Displaced (502, 504, 506, 508 & 510)	11,895	sq. ft.
Average Annual Stellar Community Hangar Rate	8.00	p.s.f.
Average Monthly Hangar Income Loss		per month
Average Weekly Hangar Income Loss		per week
Estimated Weekly Overtime Hours for Hangar Movements	25	per week
Overtime Hourly Wage		per hour
Estimated Weekly Overtime Cost		per week
Total Weekly Income Loss and Overtime Cost	2,601.25	per week