

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 14, 2018	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing	

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

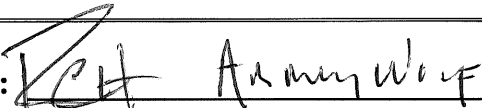
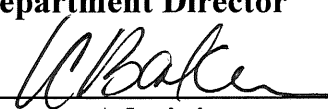
Motion and Title: Staff recommends motion to receive and file: a notice of exercise of the second two (2) year extension option under the Concessionaire Service Agreement (R2013-1018) dated August 13, 2013, with Hawkhaven d/b/a Lazy Loggerhead Café (Hawkhaven) for the continued operation of approximately 1,300 SF concession building at Carlin Park in Jupiter for \$80,597.89/annually.

Summary: Hawkhaven manages and operates the Lazy Loggerhead Café in the Carlin Park concession building pursuant to Concessionaire Service Agreement (R2013-1018). The Concessionaire Service Agreement currently expires on August 31, 2018. Hawkhaven's exercise of this second option extends the term from September 1, 2018 through August 31, 2020. The guaranteed annual rent for the first year of this two (2) year extension period will increase by two percent (2%) to \$80,597.89 (\$6,716.49/monthly). Hawkhaven will also pay percentage rent of 8% of the annual gross revenues derived from the operation of the concession in excess of the guaranteed annual rent. The Board may terminate the Concessionaire Service Agreement upon ninety (90) days written notice. All other terms of the Concessionaire Service Agreement will remain in full force and effect. Parks will continue to have administrative responsibility for this Concessionaire Service Agreement. **(PREM) District 1 (HJF)**

Background and Justification: On August 13, 2013, the Board approved a Concessionaire Service Agreement (R2013-1018) with Hawkhaven d/b/a Lazy Loggerhead Café for a period of three (3) years with three (3) options to extend, each for a period of two (2) years. The First Amendment (R2016-1057) dated August 16, 2016, exercised the first extension option, which extended the term of the Concessionaire Service Agreement for two (2) years until August 31, 2018; reduced the percentage rent from 8.5% to 8% to compensate for reductions in sales that Hawkhaven experienced due to County special events; and updated and added various standard County provisions. This second option will extend the term of the Concessionaire Service Agreement from September 1, 2018 through August 31, 2020, and increases the current guaranteed annual rent by two percent (2%) from \$79,017.54 to \$80,597.89. The Concessionaire Service Agreement requires Hawkhaven to request the term extension option no sooner than 150-days but no later than 90-days prior to the August 31, 2018, expiration date (between April 3, 2018, and June 2, 2018). On April 18, 2018, Hawkhaven submitted their request to extend and Parks supports their renewal request. Brian Wilson and Jennifer Wilson submitted a Disclosure of Beneficial Interests in 2013, attached hereto as Attachment No. 4, and has recently informed Staff that no changes have occurred as Brian Wilson and Jennifer Wilson continue to each have a fifty percent (50%) ownership interest.

Attachments:

1. Location Map
2. Hawkhaven dba Lazy Loggerhead Café Letter to Extend Dated April 18, 2018
3. Budget Availability Statement
4. Disclosure of Beneficial Interests

Recommended By:		7/23/18	
	Department Director	Date	
Approved By:		8/8/18	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$6,716)	(\$80,732)	(\$75,359)	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$6,716)	(\$80,732)	(\$75,359)	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes X No

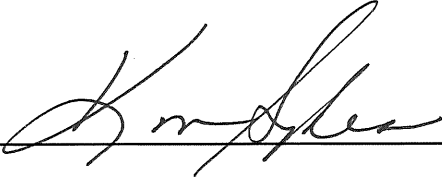
Does this item include the use of federal funds? Yes No X

Budget Account No: Fund 0001 Dept 580 Unit 5111-02 RSRC 4729 SUB RSRC 03
Program

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

The term of this Agreement is for two (2) years from 09/01/18 – 08/31/20. The guaranteed annual rent of \$80,597.89 (\$6,716.49/monthly) will commence on 09/01/18. On 09/01/19, the guaranteed annual rent will increase two percent (2%) to \$82,209.85 (\$6,850.82/monthly). The percentage rent payments will depend on operating performance of the concession.

Fixed Asset Number N/A

C. Departmental Fiscal Review: 

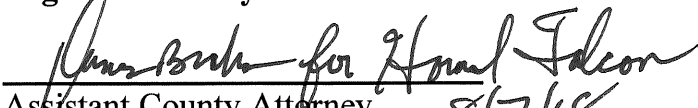
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


OFMB 7/25/18
7/24


Contract Development and Control 8/7/18
7/24

B. Legal Sufficiency:


Assistant County Attorney 8/7/18

C. Other Department Review:

Department Director

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

TWP
40

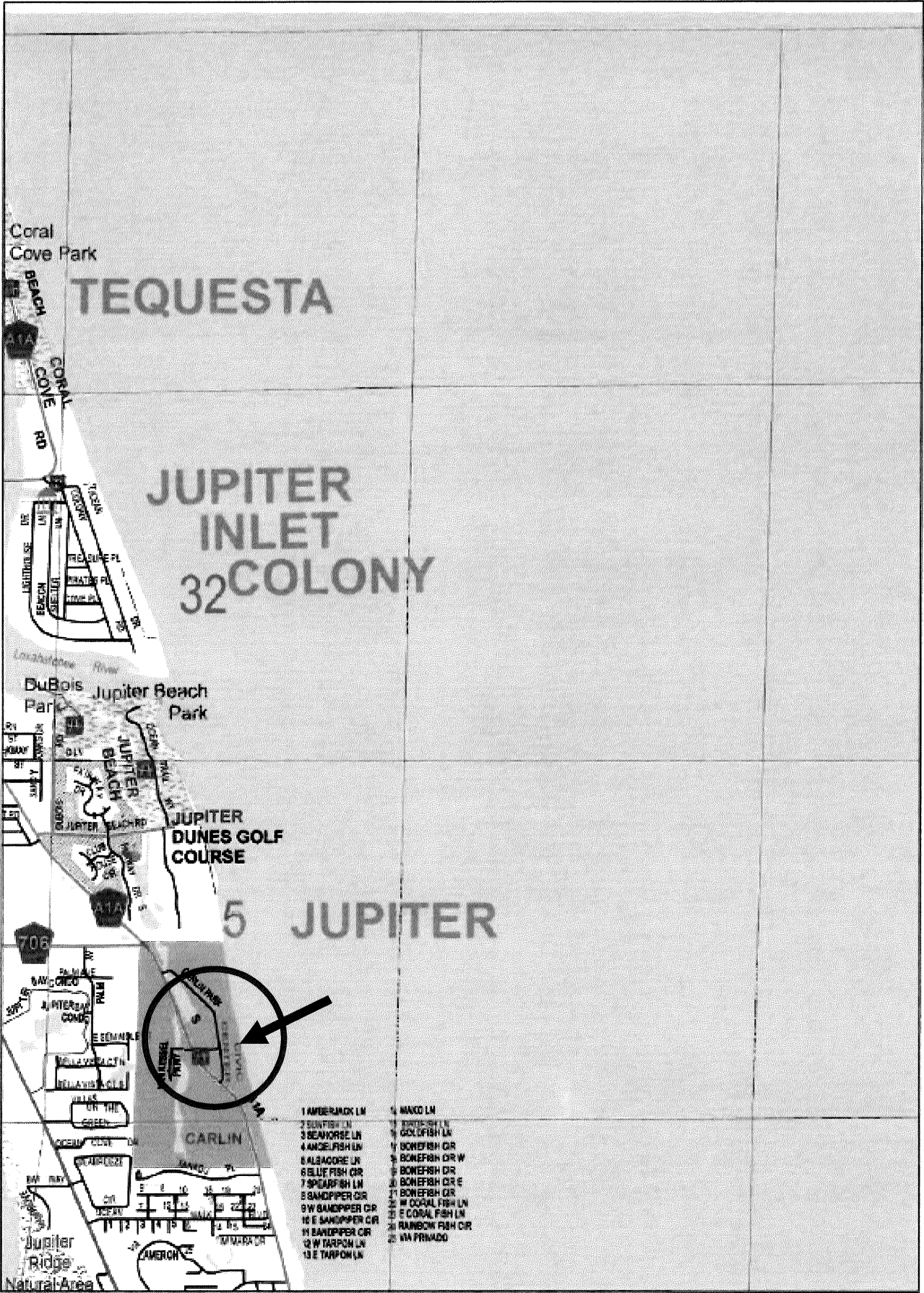
1

TWP
40

2

TWP
41

3



RNG 43

See pg 16

RNG 43

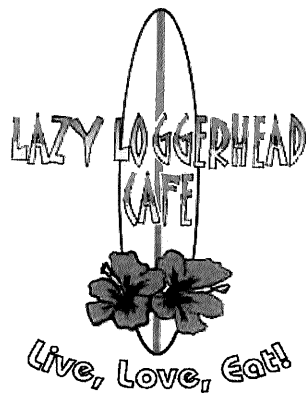
Page 8

LOCATION MAP

Attachment #1

1 pg





18 April 2018

2700 6th Avenue South
John Prince Park
Lake Worth, Florida 33461

Dear John:

Please accept this letter as formal notice of our desire to renew our contract for another two years, beginning September 1, 2018 through September 1, 2020 as per the original contract bid which was issued on September 1, 2013.

We have very much enjoyed operating the Lazy Loggerhead Café in Carlin Park and sharing in such a special relationship with Palm Beach County Parks & Recreation. We look forward to continued success on the part of both parties.

Sincerely,

Jennifer & Brian Wilson

601 North Ocean Drive, Jupiter, Florida 33477
Tel: 747-1134 Fax: 743-2724

Attachment #2
1 pg

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 05/21/18 REQUESTED BY: Della M. Lowery PHONE: 233-0239
Property Specialist – PREM FAX: 233-0210
PROJECT TITLE: Carlin Park Concession – Hawkhaven dba Lazy Loggerhead Café PROJECT NO.: 2018-5.010
(Option 2 of 3)

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$6,716)	(\$80,732)	(\$75,359)	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$6,716)	(\$80,732)	(\$75,359)	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

**** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.**

BUDGET ACCOUNT NUMBER

FUND: 0001 DEPT: 580 UNIT: 5111-02 RSRC: 4729 SUB RSRC: 03

IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO _____

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply)

- ☐ Ad Valorem (source/type: _____)
☐ Non-Ad Valorem (source/type: _____)
☐ Grant (source/type: _____)
☐ Park Improvement Fund (source/type: _____)
☐ General Fund ☐ Operating Budget ☐ Federal/Davis Bacon
☐ _____ ☐ _____ ☐ _____

Department: Parks & Recreation Department

BAS APPROVED BY: [Signature] DATE: 5/30/18

ENCUMBRANCE NUMBER: _____

EXHIBIT "D"
TO THE CONCESSIONAIRE SERVICE AGREEMENT

CONCESSIONAIRE'S DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Jennifer Wilson, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Managing Member (position - i.e. president, partner, trustee) of Handhaven LLC d/b/a Lazy Lagoon (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Concessionaire") which entity is providing concession services on the real property legally described on or depicted in the attached Exhibit "A" (the "Licensed Area").

2. Affiant's address is: P.O. Box 14928
North Palm Beach, FL
33468

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the concessionaire and the percentage interest of each such person or entity.

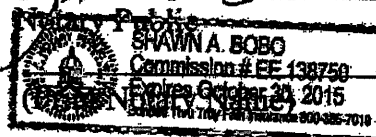
4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its entering into a Concessionaire Service Agreement for the Licensed Area.

FURTHER AFFIANT SAYETH NAUGHT.

Jennifer Wilson, Affiant
Print Affiant Name: Jennifer Wilson

The foregoing instrument was sworn to, subscribed and acknowledged before me this 8
day of July, 2013, by Jennifer Wilson
[] who is personally known to me or [☒] who has produced 22
Handhaven LLC as identification and who did take an oath.



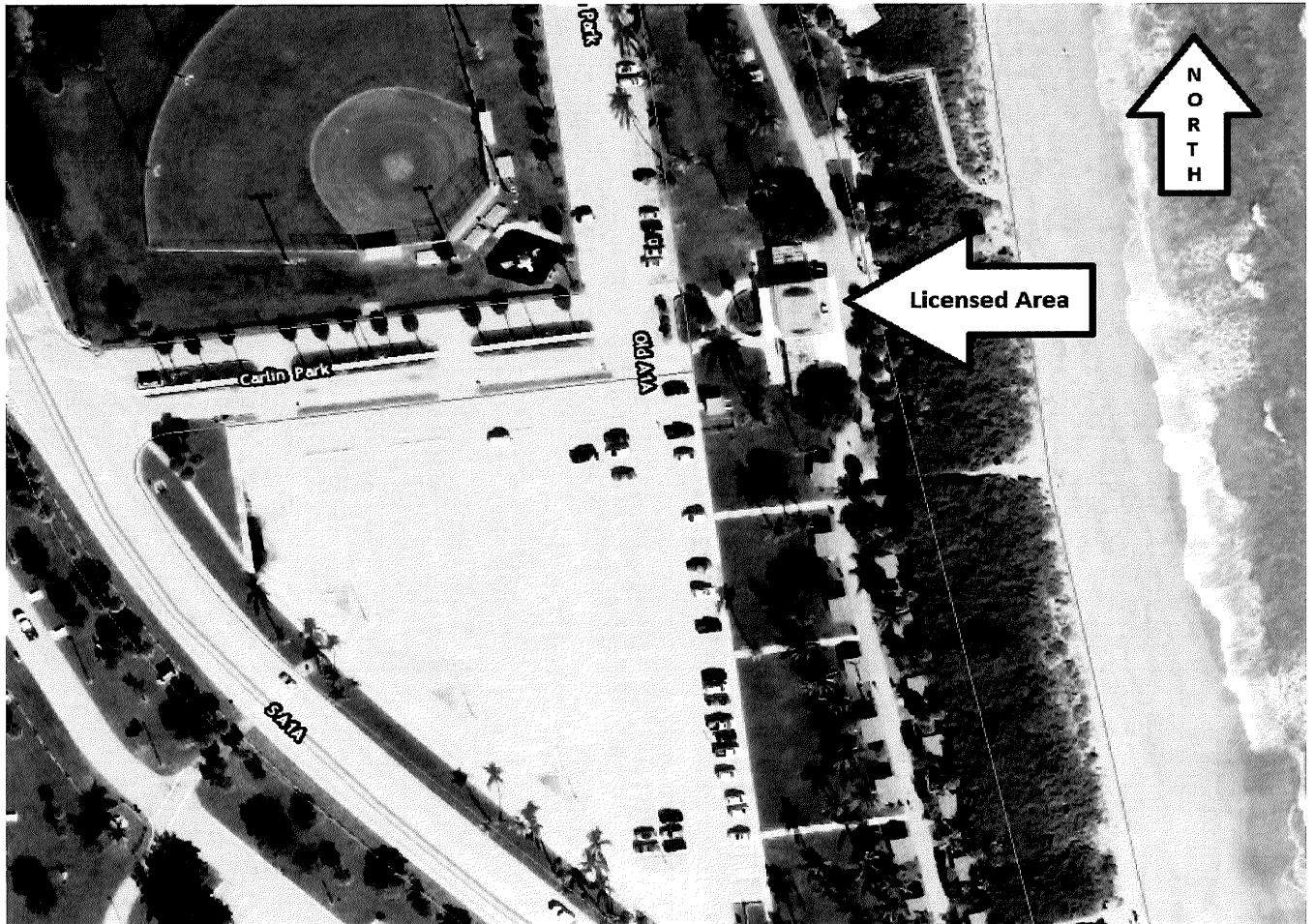
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 10/30/15

Attachment #4
1 of 3

EXHIBIT "A"

LICENSED AREA

Approximately 1,300 square feet of space on the first floor of a two-story building located in the County's Carlin Park at 601 South SR A1A, Jupiter, Florida (a portion of PCN 30-43-41-05-00-004-0060).



Attachment #4
273

SCHEDULE TO BENEFICIAL INTERESTS

[illegible]