

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 10, 2023

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: First Amendment to Interlocal Agreement R2003-1229) with the Town of Jupiter (Jupiter) for funding the South Jupiter Community Park Roller Hockey Facility – Phase I, providing for the repurposing of one of the two roller hockey rinks into five pickleball courts.


Summary: This First Amendment to Interlocal Agreement R2003-1229, provides for a scope change to repurpose one of the two roller hockey rinks located at Abacoa (n/k/a South Jupiter) Community Park. The Amendment to the Interlocal Agreement was requested by Jupiter as there has been a steady decline in participation for organized roller hockey and an increase in program trends such as pickleball. Therefore, Jupiter is seeking to repurpose one roller hockey rink into five pickleball courts. As no funding is required from the County for this project, and it remains a public recreation use, the change in scope is supported by the Parks and Recreation Department. District 1 (DB)

Background and Justification: On August 18, 2002, the Board of County Commissioners (BCC) approved reallocation of \$250,000 established for District I Park Improvement in the 1996 \$26.3M Park Improvement Revenue Bond to Jupiter for the South Jupiter Community Park Roller Hockey Facility. On August 19, 2003, the BCC entered into an Interlocal Agreement with Jupiter for the construction of Phase I of the Roller Hockey Facility for an amount not to exceed \$250,000. Phase I project elements included the development of two roller hockey rinks. In 2004, both roller hockey rinks were completed consistent with the terms and conditions of the Interlocal Agreement. The Interlocal Agreement provides for Jupiter to maintain the roller hockey rinks for thirty years and any changes in the project scope must be approved by the BCC. Jupiter has requested that one roller hockey rink be converted to five pickleball courts requiring an amendment to this agreement. All other terms and conditions will remain.

The Amendment has been executed on behalf of the Town of Jupiter, and now needs to be approved by the BCC.

Attachments:

1. First Amendment to Interlocal Agreement
2. Letter from Town of Jupiter

Recommended by: 
Department Director

12/16/2022
Date

Approved by: 
Assistant County Administrator

12/20/2022
Date

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN PALM BEACH COUNTY AND THE TOWN OF JUPITER
FOR FUNDING OF THE SOUTH JUPITER COMMUNITY PARK ROLLER HOCKEY
FACILITY – PHASE I**

THIS FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT is made and entered into on _____, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners (the "COUNTY"), and the TOWN OF JUPITER, a Florida Municipal corporation (the "MUNICIPALITY").

WITNESSETH:

WHEREAS, on August 19, 2003, COUNTY entered into an Interlocal Agreement with MUNICIPALITY (R2003-1229) ("Interlocal Agreement") to provide funding from the \$26.3 Million Park Improvement Revenue Bond in an amount not-to-exceed \$250,000 for construction of Roller Hockey Facility-Phase I at South Jupiter Community Park as described in the Interlocal Agreement, hereinafter referred to as "ORIGINAL PROJECT"; and

WHEREAS, the ORIGINAL PROJECT was completed in 2004; and

WHEREAS, MUNICIPALITY has requested that the COUNTY approve changes to the ORIGINAL PROJECT to repurpose one (1) of the two (2) roller hockey rinks into pickleball courts, and this change shall be known as the REPLACEMENT PROJECT; and

WHEREAS, COUNTY has requested that this change be reflected in a revised Project Description and Conceptual Site Plan, attached hereto and made a part hereof as Exhibit "AA" without any additional COUNTY funds; and

WHEREAS, both parties desire to amend the Interlocal Agreement to reflect those changes; and

WHEREAS, entering into this First Amendment serves a public purpose.

NOW, THEREFORE, the parties hereby agree to as follows:

1. Section 2.01 of the Interlocal Agreement, shall be amended to add as a second paragraph the following language: "The MUNICIPALITY shall design and construct the REPLACEMENT PROJECT in accordance with the Project Description and Conceptual Site Plan, attached hereto "Exhibit "AA" and warrants that said REPLACEMENT PROJECT shall be open to the general public on a non-discriminatory basis regardless of residency, race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information."

2. Article- 6 – Access and Audits shall be amended to add in its entirety the following language:

“If applicable, should any portion of the payments made to MUNICIPALITY include MUNICIPALITY’s charges, expenses, and costs incurred in estimating and performing the services to be performed hereunder, MUNICIPALITY will maintain adequate records to justify all such charges, expenses, and costs for at least five (5) years after the expiration or termination of this Interlocal Agreement. The COUNTY shall have access to all such books, records, and documents for the purpose of inspection or audit during normal business hours at MUNICIPALITY’S place of business.

Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General’s authority includes but is not limited to the power to review past, present and proposed COUNTY contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the MUNICIPALITY, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.”

3. Article 16 – Counterparts is hereby added as follows:

This Agreement, including the exhibits referenced herein, may be executed in one or more counterparts, all of which shall constitute collectively but one and the same Agreement. The COUNTY or MUNICIPALITY may execute the Interlocal Agreement through electronic or manual means.

4. Except as provided herein, each and every other term of the Interlocal Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

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IN WITNESS WHEREOF, the parties have caused this First Amendment to Interlocal Agreement to be executed on the day and year first above written.

ATTEST:
JOSEPH ABRUZZO
CLERK of the CIRCUIT COURT
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
County Attorney

By: _____
Jennifer Cirillo, Director
Parks and Recreation Department
Palm Beach County

ATTEST:

TOWN OF JUPITER

By: _____
Laura Cahill, Town Clerk

By: _____
Jim Kuretski, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Thomas Baird, Town Attorney



LIST OF EXHIBITS

EXHIBIT AA Project Description and Conceptual Site Plan

EXHIBIT AA

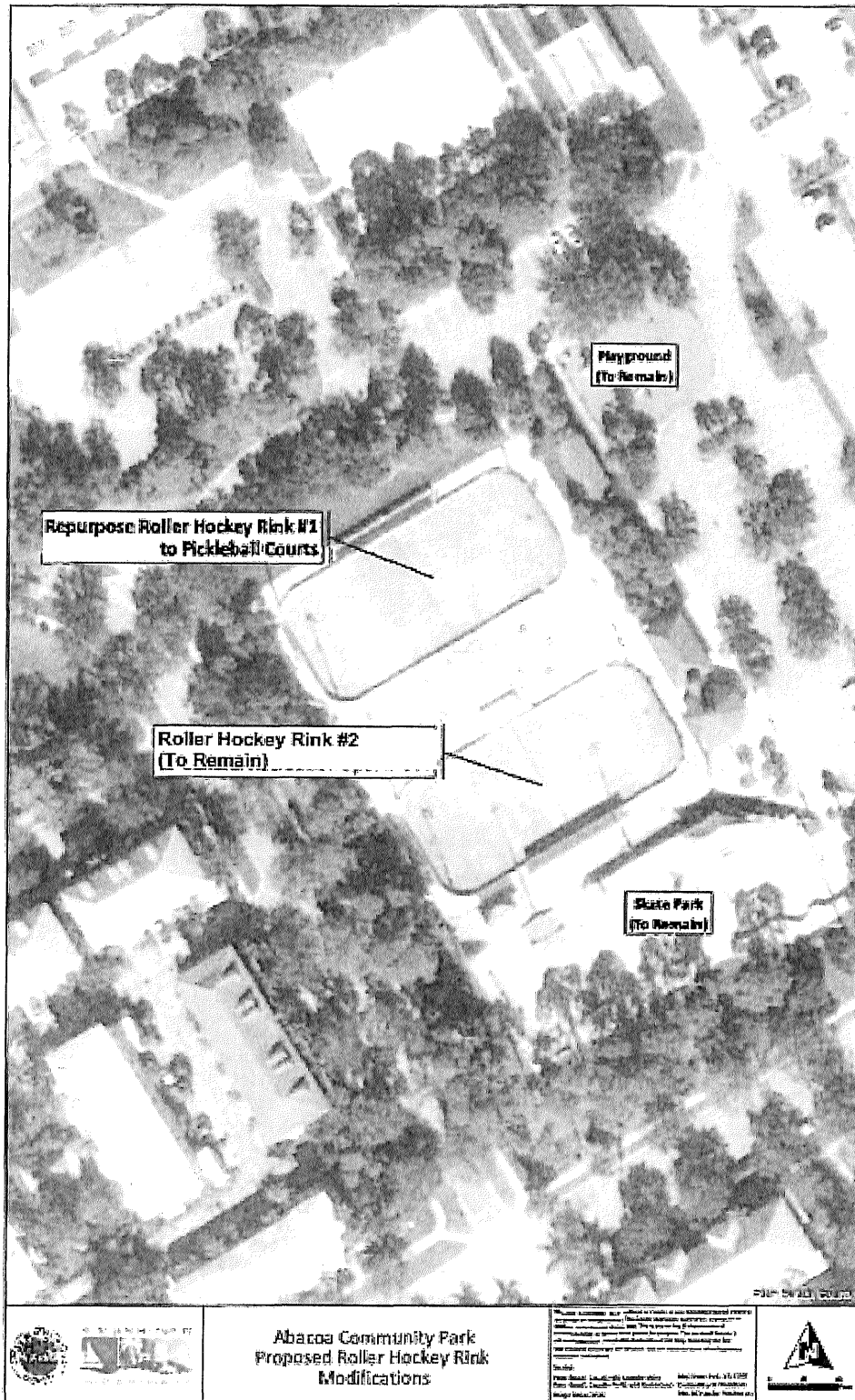
PROJECT DESCRIPTION AND CONCEPTUAL SITE PLAN

The Town of Jupiter Abacoa Community Park (formerly South Jupiter Community Park) Park Replacement Project includes improvements to the Town's Roller Hockey Rinks, located at 1501 West Frederick Small Road in Jupiter, as listed below.

1. Repurpose Roller Hockey Rink #1 to pickle ball courts

EXHIBIT AA

PROJECT DESCRIPTION AND CONCEPTUAL SITE PLAN





October 19, 2022

Ms. Jennifer Cirillo, Director
Palm Beach County Parks & Recreation
2700 6th Avenue South
Lake Worth, Florida 33461

Dear Ms. Cirillo:

On August 19, 2003, the Palm Beach County Board of County Commissioners voted to enter into a Funding Agreement with the Town of Jupiter for up to \$250,000 from the 1996 Park and Recreational Facility Revenue Bond for the development of South Jupiter Community Park (now known as Abacoa Community Park) Roller Hockey Facility (see attached). The roller hockey facilities include two (2) hockey rinks, players boxes, fencing, spectator viewing areas and sports lighting and have served as a base for the Jupiter Tequesta Athletic Association (JTAA) youth roller hockey program since the facility's completion in November 2003. The rinks also serve a very limited number of participants during "Open Skate" hours when they are not in use by JTAA. Unfortunately, there are many times when the rinks sit empty and see no use for days at a time.

The sport of roller hockey in the Town of Jupiter peaked in 2005 with a total of two hundred (200) players participating through JTAA. Participant numbers have continued to decline each year since then and reached a low of sixty-six (66) players in 2020. This reduction in the number of players has led to the gradual decrease in the need for two (2) rinks to be used when the sport is active, which is limited to October-March each season. JTAA roller hockey has been able to function with the use of one (1) rink and with the plateau or decline in the number of participants expected to continue, JTAA should be able to sustain the youth roller hockey program with one (1) rink.

The Town of Jupiter, much like every other municipality in the state of Florida, continues to see an exponential growth in the popularity of the sport of Pickleball. Dedicated outdoor public Pickleball courts within the Town are limited to those recently constructed by Palm Beach County at Carlin Park. The Town currently has seven (7) tennis courts lined for Pickleball which continue to serve as multipurpose courts for both Pickleball and tennis creating competition for space between the two sports and damage to existing tennis nets.

The Town would like to consider, with the County's approval, repurposing one (1) of the two (2) roller hockey rinks at Abacoa Community Park (ACP) into dedicated Pickleball courts that would be made available, free of charge, for public use. There is existing lighting on the rink that would allow for evening play which is not currently an option at the Carlin Park Pickleball courts due to no lights. The Town is also currently repurposing three (3) existing tennis courts at Jupiter Community Park (JCP) into eight (8) dedicated and lighted Pickleball courts within the next few months. The addition of these courts, along with the courts at ACP and Carlin Park, will allow the Town to better serve residents across northern Palm Beach County.

JIM KURETSKI

MAYOR

RON DELANEY

VICE MAYOR

CAMERON MAY

COUNCILOR

CHERYL SCHNEIDER

COUNCILOR

MALISE SUNDSTROM

COUNCILOR

FRANK KITZEROW

GOVT. MANAGER

Ms. Jennifer Cirillo, Director
Palm Beach County Parks and Recreation
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Abacoa Community Park Roller Hockey Rinks

Section 4.02 of the Interlocal Agreement between Palm Beach County and the Town of Jupiter states, "The Municipality (Town of Jupiter) shall operate and maintain the Project for its intended use by the general public for a term of thirty (30) years from the execution of this Interlocal Agreement by the parties hereto." Section 5.01 of the Agreement also states, "The Municipality warrants that the Project shall serve a public recreational purpose and be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of the Municipality."

By way of this letter, the Town of Jupiter would like to formally request the repurposing of one (1) of the two (2) existing roller hockey rinks at ACP into five (5) dedicated Pickleball courts. This repurposing would allow the Town and County, through its generous contribution in 2003, the ability to serve many more residents in the north than the existing two (2) roller hockey rinks. The public benefit of Pickleball courts currently outweighs that of the roller hockey rinks and the Town would appreciate your consideration of this request.

The sport of Pickleball continues to grow in popularity and we have seen the median age range decrease within the past two years to include a much younger demographic, including teens and children. The global Pickleball market is expected to continue its expansion and the Town of Jupiter consistently strives to align its facilities with the needs of our community. A Capital Improvement Project (CIP) budget item specific to constructing the courts at JCP and ACP is currently in place in the Town's FY2023 budget. It would be financially beneficial to the Town to be able to bid these projects together so your immediate consideration of this request is greatly appreciated.

Please feel free to contact me with any questions or concerns you may have related to this request. I am also available to provide anything else needed to advance this request to the Board of County Commissioners. The Town of Jupiter is fortunate to have a partnership with Palm Beach County as we both understand the importance of exceptional recreational opportunities and facilities to the residents in the north county. Thank you for your continued support on these collaborative opportunities.

Sincerely,



Frank Kitzerow
Town Manager

cc: Kate Moretto, Senior Director of External Customer Service
Kristin George, Director of Parks and Recreation