

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 13, 2023 [X] Consent [] Regular [] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: the First Amendment to Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade located at 9620 Weisman Way, from April 13, 2023 through April 15, 2023 for parking by the public and the Palm Beach County Sheriff’s office during the 2023 Barrett-Jackson event.

Summary: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard License Agreement (R2023-0291) allowed the South Florida Fair and Palm Beach County Expositions Inc. to use the wheel lot for parking during the 2023 Barrett-Jackson event. The Fairgrounds requested the additional use of the paved parking area behind the Stockade as well. The attached Amendment One to Standard License Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who is in this case the Director of Facilities Development and Operations Department. The First Amendment to the Standard License Agreement was approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013. This executed document is now being submitted to the Board to receive and file. (Property & Real Estate Management) Countywide/District 6 (HJF)

Background and Justification: The delegation of authority which provided authority for the County Administrator or designee to execute standard license agreements was designed to expedite and streamline the process for commercial use of county owned property after submission of an application for use and after determination of whether a license fee should be charged for use. There is no license fee if the applicant demonstrates that (i) the activity is for the purpose of promoting community interest and welfare and (ii) the applicant will not realize a profit based on the use.

Attachments:

- 1. First Amendment to Standard License Agreement (w/Exhibit A)

Recommended By: [Signature] Department Director Date: 5/9/23

Approved By: [Signature] County Administrator Date: 5/22/23

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

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

Budget Account No: Fund _____ Dept. _____ Unit _____ Object _____
 Program _____

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

*There is no fiscal impact associated with this item.

Fixed Asset Number _____

C. Departmental Fiscal Review: *Karen Siles*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

AFB/Delle 5/15/23
 OFMB *SA/S* *ERW*
5-15-23

John S. Jankowicz 5/18/23
 Contract Development and Control
Tab 5/18/23

B. Legal Sufficiency:

[Signature] *5/22/23*
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Attachment #1
First Amendment to Standard License Agreement (w/Exhibit A)
(1 @ 5 pages)

**FIRST AMENDMENT TO
STANDARD LICENSE AGREEMENT**

This **First Amendment** ("Amendment") to the Standard License Agreement is made as of April 14, 2023, 2023, by and between **Palm Beach County**, a political subdivision of the State of Florida ("County") and **South Florida Fair and Palm Beach County Expositions, Inc.**, a Florida non-profit Corporation hereinafter referred to as ("Licensee").

RECITALS

WHEREAS, the County and Licensee entered into that certain Agreement dated December 20, 2022, Standard License Agreement (R2023-0291) for the use of County owned property adjacent to County Stockade located at 9620 Weisman Way, West Palm Beach for public off-site parking during the Barrett-Jackson event on April 13, 2023 through April 15, 2023 ; and

WHEREAS, the Licensee desires to update the Agreement to include using additional parking areas; and

WHEREAS, the County agrees to use of the additional parking areas and desires to include additional special conditions of use of said parking areas; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties hereto agree as follows:

1. The above recitals are true and correct and incorporated herein.
2. **Exhibit A- APPLICATION FOR LICENSE TO USE COUNTY-OWNED PROPERTY** is hereby revised to include the use of the paved areas behind the Stockade and the paved rear areas subject to the conditions set forth on Exhibit A-2.
3. **AGREEMENT**. Except as amended by this Amendment, the Agreement shall be and remain in full force and effect, unamended, unaltered and unmodified in any way or manner whatsoever, and each of the parties hereto ratifies and confirms the Agreement in all respects.
4. **COUNTERPARTS**. This Amendment may be executed in one or more counterparts and each counterpart shall, for all purposes, be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have executed this Amendment effective as set forth above.

WITNESS:

LICENSEE:

SOUTH FLORIDA FAIR AND PALM BEACH COUNTY EXPOSITIONS, INC.

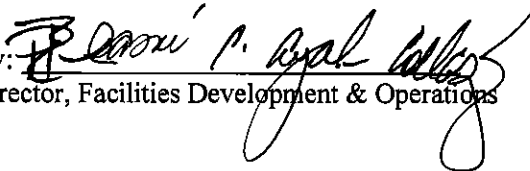
By: Rickeisha Salesman
Signature

By: Victoria A. Chouris
President & CEO

Rickeisha Salesman
Printed Name

Victoria A. Chouris
Printed Name

PALM BEACH COUNTY, a Political Subdivision of the State of Florida

By: 
Director, Facilities Development & Operations

APPROVED AS TO LEGAL SUFFICIENCY

By: /s/ Darren Leiser
Asst. County Attorney

Exhibit "A"

**APPLICATION FOR LICENSE TO USE
COUNTY-OWNED PROPERTY**

**APPLICATION FOR LICENSE TO USE
COUNTY-OWNED PROPERTY**

This application may be used to apply for a License to use County owned property. The application must be submitted at least twenty (20) days prior to the proposed date of the requested use. Please send the completed application to:

Facilities Development & Operations Department (FDO)
PBCFacilityUsePermit@pbcgov.org
2633 Vista Parkway
West Palm Beach, FL 33411-5603
ATTN: Director
Telephone: 561-233-0220 / Fax: 561-233-0206

Upon approval of the application by FDO, the property will be reserved and the user will be informed of any Special Conditions of Use, and fees for the Use as defined herein. Any fees are due prior to the Use.

1. USER/APPLICANT

Name of Applicant: Victoria A. Chouris, President/CEO
Name of
Organization/Licensee: South Florida Fair and Palm Beach County Expositions, Inc.
Address: 9067 Southern Blvd.
City: West Palm Beach State: FL Zip: 33415
Phone: 561.790.5215 Email: Vicki@southfloridafair.com
Name of the Authorized Representative : Victoria A. Chouris, President/CEO
Type of Entity: Public Non-Profit Other
Agency (Specify) _____

2. REQUESTED PROPERTY

9620 Weisman Way, West Palm Beach, FL
Parcel east of the Video Visitation Center ("Wheel Lot")
as depicted on the attached Exhibit "A-1" Paved Parking Areas Behind the Stockade
(Paved Rear Parking Area)

3. NATURE OF USE: (Please check one)

- Training Educational Recreational Meeting
 Non-profit Event Other

Does Use include the sale of Goods and/or Services? Yes No

Will User charge an Admission Fee and/or Participation Fee? Yes No

Amount to be charged for Admission Fee and/or Participation Fee: _____

Detailed description of the nature and purpose of use (attach additional sheets as necessary):

Wheel Lot will be used for public offsite parking during the Barrett-Jackson event. SUBJECT to conditions outlined in Exhibit A-2.

Paved Parking Areas behind the Stockade (Paved Rear Parking Area)

4. FOOD AND BEVERAGE

Use includes food and/or beverage? Yes No

Use includes the sale, use or consumption of alcohol? Yes No

Note: A custodial fee may be imposed if the Use involves food and/or beverages.

5. DATE AND TIME OF USE

Date(s) of Use: April 13, 2023 – April 15, 2023

Time(s) of Use: 6:00 AM - 1:00 AM

6. EQUIPMENT

Amount of Equipment Requested: N/A Tables N/A Chairs

All equipment contained or used within the Facility is subject to approval by the Department.

7. ADDITIONAL USERS

Organization(s)/individual(s) participating in use, if other than Applicant (attach additional pages to list more organization(s)/individual(s)):

Name: N/A

Address: _____

City: _____ State: _____ Zip: _____

Phone: () - Email: _____

Contact Person: _____

Type of Entity: Public Agency Non-Profit Other
(Specify)

8. VENDORS

List all vendors of the Event: None

9. ADVERTISING

Will the event be advertised to the Public? Yes No

If yes, by what means?: Radio TV Other Social Media

TO BE PROVIDED BY FDO (After evaluation of the Application):

1. FEES AND ADDITIONAL CHARGES

- License Fees \$ _____
- Custodial Fees \$ _____
- Service Costs \$ _____
- Other Costs \$ _____

Special Conditions of Use: See attached Exhibit A-1 Licensed Area/Wheel Lot

By signing below, I certify that I have the authority to represent and obligate the Licensee and I agree on behalf of the Licensee to comply with the terms of this Application.

Victoria A Chouris, Pres & CEO
Signature of Authorized Representative

Date: 12-16-2022

Victoria A Chouris Pres & CEO
Printed Name and Title of Authorized Representative

APPROVED BY:

[Signature]
Director, Facilities Development & Operations Department

Date: 12/29/22

OTHER DEPARTMENTAL REVIEW (If necessary):

Signature of Director of Department

Date: _____

EXHIBIT "A-1"
PROPERTY

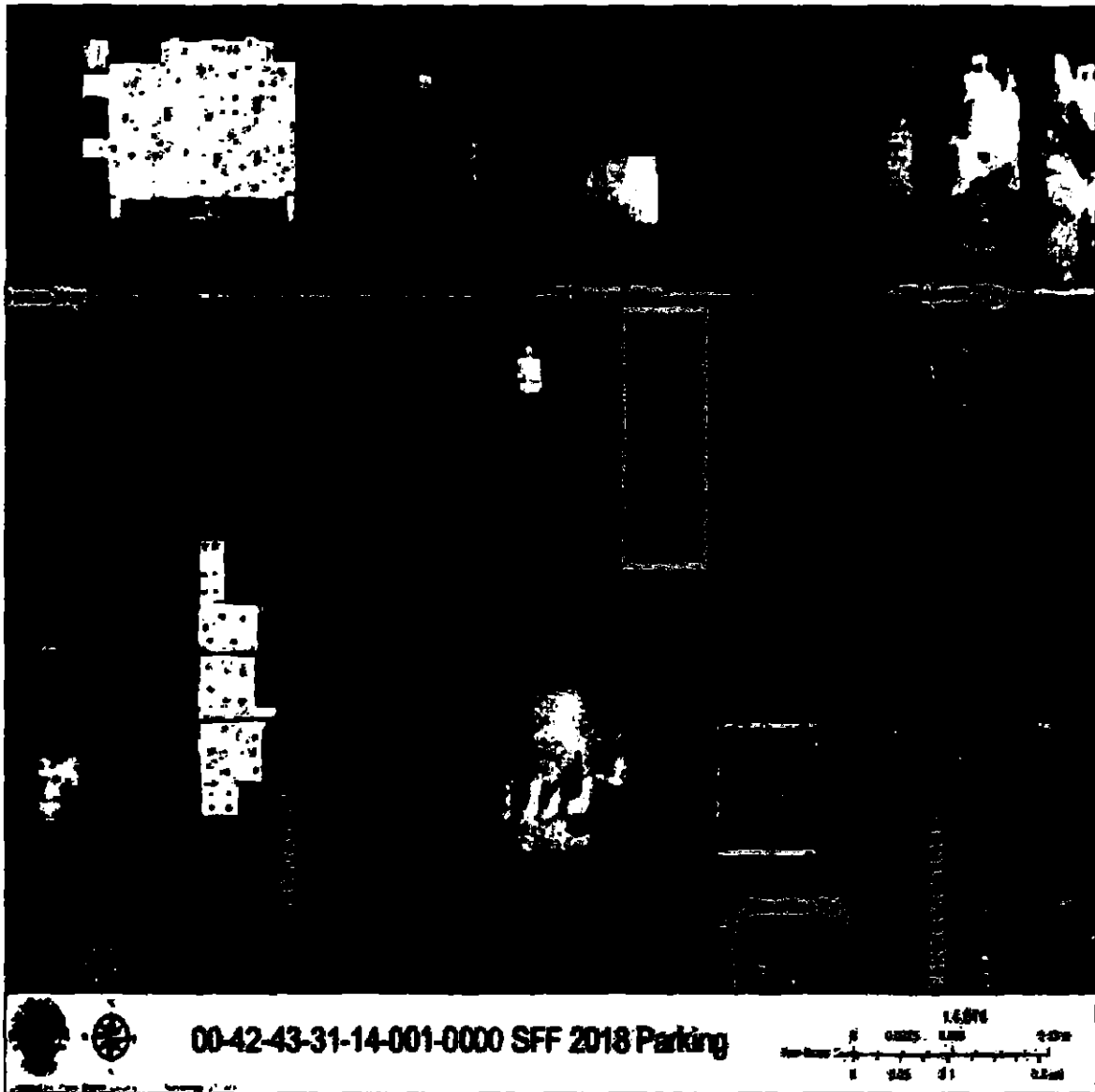


EXHIBIT "A-2"
SPECIAL CONDITIONS OF USE

- Licensee shall follow and adhere to all CDC guidelines and recommendations to slow the spread of the novel coronavirus.

Wheel Lot Area

- Used only for overflow public parking.
- Prior to use, Licensee will barricade two driveways from the Wheel Lot to the improved Video Visitation Center and park in a manner that prohibits cross traffic between the two areas.
- When in use, PBSO will provide traffic control; Licensee's parking management company will provide onsite staffing.
- After each use, Licensee will clear the parcel of debris and trash, and will restore the property to its pre-use condition and secure the gate.
- Licensee will be responsible for preparing the parcel prior to use.
- Licensee will be responsible for maintenance and security of the parcel during the licensed use periods.
- No overnight parking, by the public, will be permitted.

Paved Rear Parking Area

- Palm Tran shall have priority use thru 01/10/2023. South Florida Fair shall work with Palm Tran in coordinating shared use of the paved Stockade lot from January 11, 2023 to January 31, 2023 as to avoid conflicts with its use by either party.
- Used only for authorized Fair, County Staff and Sheriff Staff parking.
- When in use, PBSO will provide traffic control; Licensee will provide onsite staffing to ensure no unauthorized parking.
- No later than 8:30 a.m. each morning, Licensee will clear the parcel of debris and restore to its pre-use condition.
- No overnight parking, by the public, will be permitted.