

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

Meeting Date: September 9, 2014 Consent Regular
 Ordinance Public

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

- A.** Standard License Agreement for Use of County-Owned Property with AARP Foundation SCSEP (North County Senior Center);
- B.** Standard License Agreement for Use of County-Owned Property with the American Veterans Division, NSCC, Inc. (Eagle Academy);
- C.** Standard License Agreement for Use of County-Owned Property with Ric L. Bradshaw, in his official capacity as Sheriff of Palm Beach County, Florida, a constitutional officer (Palm Tran Bus Wash, Belle Glade);
- D.** Standard License Agreement for Use of County-Owned Property with the City of West Palm Beach Community Redevelopment Agency (Judicial Center Surface Parking Lot);
- E.** Standard License Agreement for Use of County-Owned Property with Thalle Construction Company (Paul Rardin Park);
- F.** Standard Equipment Use Agreement with the Palm Beach County Sports Commission, Inc. (Kids Fitness Festival);
- G.** Temporary Construction Easement with City Place Hotel, LLC.(Convention Center Hotel); and
- H.** Amendment No. 6 to Frequency Reconfiguration Agreement with Nextel South Corp.

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 attached standard License Agreements, dated from April 23, 2014 to July 1, 2014, have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee. The License Agreements were approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013 (the "Resolution"). The attached Standard Equipment Use Agreement, dated July 2, 2014, was executed on behalf of the Board by the County Administrator or his designee in accordance to Board approval on October 1, 2013. The attached Temporary Construction Easement with City Place Hotel, LLC ("City Place Hotel") was executed on June 11, 2014 with notice to the Board, in order to avoid a delay of construction of the Convention Center Hotel. The Temporary Construction Easement with City Place Hotel is in conformity to the standard form Temporary Construction Easement approved by the Board on July 1, 2014. Amendment #6 to the Frequency Reconfiguration Agreement was fully executed on behalf of the Board on June 16, 2014 by the County Administrator or his designee in accordance with the delegation of authority approved in R2008-2306 on December 16, 2008. These executed documents are now being submitted to the Board to receive and file. **(FDO Admin) Countywide (MJ)**

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Attachments:

1. Standard License Agreement for Use of County-Owned Property with AARP Foundation SCSEP (North County Senior Center)
2. Standard License Agreement for Use of County-Owned Property with the American Veterans Division, NSCC, Inc. (Eagle Academy)
3. Standard License Agreement for Use of County-Owned Property with Ric L. Bradshaw, in his official capacity as Sheriff of Palm Beach County, Florida, a constitutional officer (Palm Tran Bus Wash, Belle Glade)
4. Standard License Agreement for Use of County-Owned Property with the City of West Palm Beach Community Redevelopment Agency (Judicial Center Surface Parking Lot)
5. Standard License Agreement for Use of County-Owned Property with Thalle Construction Company (Paul Rardin Park)
6. Standard Equipment Use Agreement with the Palm Beach County Sports Commission, Inc. (Kids Fitness Festival)
7. Temporary Construction Easement with City Place Hotel, LLC
8. Amendment #6 to Frequency Reconfiguration Agreement with Nextel South Corp.

Recommended By: *A. Murray Wilf* 7/29/14
Department Director Date

Approved By: *[Signature]* 8/26/14
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(16,589)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(16,589)	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No:

Fund _____ Dept _____ Unit _____ Revenue Source _____
 Fund _____ Dept _____ Unit _____ Revenue Source _____

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

C. Departmental Fiscal Review: _____

[Handwritten signature] 8-4-14

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Handwritten signature]
 OFMB *[initials]* 8/11

[Handwritten signature] 8/19/14
 Contract Development and Control
[initials]

B. Legal Sufficiency:

[Handwritten signature] 8/20/14
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Background & Justification:

Standard License Agreements

The Resolution which provided authority for the County Administrator or his 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 the 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.

Standard Equipment Use Agreement

The Standard Equipment Use Agreement was designed to facilitate the short term loan of County owned equipment for special events, equipment testing/trials and for short-term continuous use. The Standard Equipment Use Agreement authorizes the development of special terms and conditions with further modifications to the insurance, indemnification and risk of loss provisions with approvals by the Risk Management Department and the County Attorney's office.

Temporary Construction Easement

On October 22, 2002 the Board enacted the PREM Ordinance which is codified at Chapter 22, Article VI of the Palm Beach County Code. On December 15, 2009, the PREM Ordinance was amended by the Board's adoption of Ordinance 2009-052, which implemented recommendations made by the Palm Beach County Grand Jury. The amendment to the PREM Ordinance continued the prior delegation of authority for the Director of FDO or his or her designee to execute standard limited duration Easements in a standard form approved by the Board. The construction of the Convention Center Hotel commenced on May 30, 2014. The contractor required use of County Property adjacent to the construction site for access to the construction site as well as for staging of construction equipment. In order to avoid a delay in construction, the Temporary Construction Easement was executed on June 11, 2014 with notification to the Board. The standard form Temporary Construction Easement was approved by the Board on July 1, 2014. The Temporary Construction Easement is in conformity to the Board approved standard Temporary Construction Agreement.

Amendment #6 to Frequency Reconfiguration Agreement with Nextel South Corp.

On December 16, 2008 the Board approved an agreement with Nextel South Corp. ("Nextel") for Nextel to reconfigure the County's frequencies on the 800 MHz radio band. In 2004, the Federal Communications Commission issued an order that modified its rules governing the MHz band requiring reconfiguration of County radios to minimize harmful interference to public safety radio communication systems. Pursuant to the Order, Nextel agreed to pay the County the total amount to effect a reconfiguration of the County's affected frequency allocations. Under the terms of the Agreement, the County's frequencies are reassigned to newly assigned frequencies and Nextel was to pay the County and its vendors for the costs incurred. This Amendment #6 to Frequency Reconfiguration Agreement increases the reimbursement to County by \$10,008.74. Following the reconfiguration of the Palm Tran bus radios pursuant to the reconfiguration agreement and after the warranty for the radios had expired, Palm Tran began experiencing issues which required the approximately 160 radios be removed from the buses, returned to the radio vendor/factory for correction and then reinstalled. It was not operationally feasible to remove the radios and return them to the factory for correction, so Staff performed the removal, return to the factory, and reinstallation in order to expedite the correction and avoid interruptions to Palm Tran operations. Nextel's position, with which County Staff concurs, is that it had no contractual responsibility for costs associated with vendor/factory issues. However, Nextel offered to settle the matter for \$10,008.74 to bring the project to completion. This Amendment No. 6 to Frequency Reconfiguration Agreement with Nextel South Corp. increases the costs to be reimbursed to County by \$10,008.74.