

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 14, 2020

<u>PAGE</u>	<u>ITEM</u>	
9	3E-1	<b>DELETED FOR FURTHER STAFF REVIEW</b> (Comm Svs)
22	3I-8	<b>DELETED FOR FURTHER STAFF REVIEW</b> (HES)
34	3DD-1	<b>REVISED MOTION AND SUMMARY: <del>Staff recommends motion to receive and file:</del> amendments to the Board of County Commissioner Grant Agreements administered by the Cultural Council For Palm Beach County, Inc. (Cultural Council) reducing the amount of grant awards for Category “B” and some Category “CII” award recipients due to the decline in TDT (Tourist Development Tax- Bed Tax) collections caused by COVID-19 pandemic. <u>Staff recommends motion to: A) receive and file</u> amendments to the Board of County Commissioner Grant Agreements administered by the Cultural Council for Palm Beach County, Inc. d.b.a. Cultural Council for Palm Beach County, (Cultural Council), reducing the amount of grant awards for all 21 Category “B” and 5 Category “CII” award recipients due to the decline in Tourist Development Tax- Bed Tax (TDT) collections caused by COVID-19 pandemic; and <b>B) approve</b> a budget amendment in the Cultural Council fund 1455, line item 8201 in the amount of (\$1,349,338). <b>SUMMARY:</b> In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiative Department as a receive and file agenda item. The amendments have been fully executed on behalf of the Board of County Commissioners (BCC) by the TDC Executive Director as deleted by the BCC. The Executive Director of the Tourist Development Council in conjunction with the President and CEO of the Cultural Council has amended 21 Category “B” and 5 Category “CII” grant agreements to reflect a reduction in their respective grant awards as allowed by their agreements with Palm Beach County. This reduction corresponds with the loss of bed tax revenues projected for FY2020. <del>Grant f</del> <u>Funding was originally set at</u> for Category B Grants \$4,295,200.00 <u>is</u> reduced to \$2,958,488.00 <u>\$2,998,488</u>; and Category CII Grants of \$530,400 <u>is</u> reduced to \$477,744. (TDC)</b>

**REVISED MOTION AND SUMMARY: Staff recommends motion to approve:**  
**A) Approve** Amendments to the Agreements dated October 17, 2017, as defined under the Tourist Development Ordinance 95-30 of Palm Beach County for the following categories of use: (A) Discover Palm Beach County, Inc., d.b.a Discover The Palm Beaches (Discover) (R2019-1486); (B) the Cultural Council of Palm Beach County, Inc.,d.b.a The Cultural Council For Palm Beach County (Cultural)(R2019-1485); (C) the Palm Beach County Sports Commission, Inc. (Sports)(R2019-1488); (D) the Palm Beach County Film & Television Commission, Inc. (Film) (R2019-1487) to reduce contracted FY2020 operating budgets; **B) Approve** a budget amendment in the Tourism Promotion fund 1454 in the amount of \$6,000,000 **C) Approve** a budget amendment in the Cultural Council fund 1455 in the amount of \$631,570; **D) Approve** a budget amendment in the Sports Commission fund 1457 in the amount of \$333,496; and **E) Approve** a budget amendment in Film & Television fund 1451 in the amount of \$465,000. Prior to the COVID-19 outbreak, Fiscal Year 2020 was on target to exceed the 4% budgeted growth in bed tax revenues approved by the TDC over the prior year. The Tourist Development Council lost revenue impact compared to Budget is expected to exceed (\$20) million for a (33%) decline in bed tax revenues for this Fiscal Year. The requested budget amendments will reduce expected tourist development tax revenues and budget appropriations to these agencies. **SUMMARY:** These ~~The Third~~ amendments (“Amendments”) to County’s agreements with these four “TDC agencies” adjust for reduce operating budgets reflecting a projected (33%) reduction in bed tax collections impacting the 2<sup>nd</sup>, 3<sup>rd</sup>,5<sup>th</sup> and 6<sup>th</sup> Cents of the Tourism Local Option Tax due to the COVID-19 pandemic. ~~The Tourist Development Council lost revenue impact compared to Budget is expected to exceed (\$20) million for a (33%) decline in bed tax revenues for this Fiscal Year.~~ These amended agreements will be supplemented by additional marketing stimulus presented as a separate agenda item to execute a Palm Beach County Tourism Marketing Recovery Plan over the next eighteen (18) months. These Marketing Agencies would receive this proposed additional funding to begin a multi-year marketing campaign executed by all TDC Agencies to promote Palm Beach County tourism. These marketing recovery campaigns will be closely monitored and measured using Key Performance Indicators (KPI) to ensure these funds are being expended in a responsible manner. (TDC)

36 4B\* **ADD-ON:** Certificates of Completion from the NACo 2019-2020 Rural Impact County Challenge

37 5A-1 **REVISED SUMMARY:** Revisions are being proposed to modify the program to reflect this updated information. **The Findings of Fact (Item A) require a majority plus one affirmative vote for approval.** ~~A mid-year ordinance amendment with a preliminary reading and a public hearing is required in order to accomplish this (Item B).~~ The approval to hire professionals will facilitate the property acquisitions necessary to accomplish the road goals of the program, as amended herein, for Fiscal Year 2020 through Fiscal Year 2024 ~~(Item B)~~. (Eng)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**JULY 14, 2020**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
- 3. CONSENT AGENDA (Pages 6-35)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: the following agreements for COVID-19 testing sites;

A) Memorandum of Agreement between Palm Beach County and Florida Atlantic University Board of Trustees, and Atlantic/Palm Beach Ambulance, Inc. D/B/A American Medical Response, for the testing site at FAU Tech Runway;

B) Memorandum of Agreement between Palm Beach County and Village of Wellington and Premier Family Health, PA for the testing site at Wellington Village Park;

C) Memorandum of Agreement between Palm Beach County and Atlantic/Palm Beach Ambulance, Inc. D/B/A American Medical Response for the testing site at South County Civic Center; and

D) Memorandum of Agreement between Palm Beach County and Cleveland Clinic for the testing site at South County Civic Center.

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item and are attached unless the documents have been recorded in the Public Records of Palm Beach County. These agreements were executed by the County Administrator under the State of Local Emergency Declaration on behalf of the Board of County Commissioners (BCC) County Administration. Countywide (AH)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller’s Office.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners’ meetings:

<u>Meeting Date</u>	<u>Meeting Type</u>
December 19, 2019	Zoning

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: Work Order 2018051-116 in the amount of \$592,000 to mill and resurface the entirety of Charleston Shores Boulevard utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2018-1533 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$28 million of Ranger's \$48.5 million Contract has been spent or encumbered. On October 16, 2018, the BCC approved the Contract with Ranger to provide milling and resurfacing of County roadways for countywide projects. The Contract was renewed on October 22, 2019, with a 15% mandatory Small Business Enterprise (SBE) goal set as the Affirmative Procurement Initiative. Due to the limited availability of qualified certified SBE subcontractors, the Office of Equal Business Opportunity issued a waiver on January 17, 2020, that reduced the mandatory SBE participation to 5% for the remainder of the contract term. On June 2, 2020, the second renewal was approved, and continued with the reduced mandatory SBE participation of 5%. Ranger agreed to 5% SBE participation for this work order. Approval of this work order will result in a cumulative SBE participation of 10.7% for all the work orders issued under the Contract. District 3 (YBH)
  
2. Staff recommends motion to approve: Work Order 2018051-117 in the amount of \$2,336,000 to mill and resurface Gateway Boulevard from Hagen Ranch Road to Congress Avenue utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2018-1533 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$28 million of Ranger's \$48.5 million Contract has been spent or encumbered. On October 16, 2018, the BCC approved the Contract with Ranger to provide milling and resurfacing of County roadways for countywide projects. The Contract was renewed on October 22, 2019, with a 15% mandatory Small Business Enterprise (SBE) goal set as the Affirmative Procurement Initiative. Due to the limited availability of qualified certified SBE subcontractors, the Office of Equal Business Opportunity issued a waiver on January 17, 2020, that reduced the mandatory SBE participation to 5% for the remainder of the contract term. On June 2, 2020, the second renewal was approved, and continued with the reduced mandatory SBE participation of 5%. Ranger agreed to 5% SBE participation for this work order. Approval of this work order will result in a cumulative SBE participation of 10.2% for all the work orders issued under the Contract. District 3 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to approve:** Work Order 2018051-120 in the amount of \$1,160,000 to mill and resurface Lyons Road from Hypoluxo Road to Lantana Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2018-1533 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$28 million of Ranger's \$48.5 million Contract has been spent or encumbered. On October 16, 2018, the BCC approved the Contract with Ranger to provide milling and resurfacing of County roadways for countywide projects. The Contract was renewed on October 22, 2019, with a 15% mandatory Small Business Enterprise (SBE) goal set as the Affirmative Procurement Initiative. Due to the limited availability of qualified certified SBE subcontractors, the Office of Equal Business Opportunity issued a waiver on January 17, 2020, that reduced the mandatory SBE participation to 5% for the remainder of the contract term. On June 2, 2020, the second renewal was approved, and continued with the reduced mandatory SBE participation of 5%. Ranger agreed to 5% SBE participation for this work order. Approval of this work order will result in a cumulative SBE participation of 10% for all the work orders issued under the Contract. District 3 (YBH)
  
4. **Staff recommends motion to approve:** Change Order No. 8 with Community Asphalt Corp. (CAC) in the amount of \$100,983.30, and a contract time extension of 267 days to the Toney Penna Drive and Old Dixie Highway project (R2016-1315). **SUMMARY:** Per PPM CW-F-050, this change order exceeds the threshold of \$100,000 and allowable time extensions relating to staff approvals of change orders to contracts, and requires the Board of County Commissioners (BCC) approval. Change Order No. 8 will compensate CAC for costs and delays associated with overhead utility relocation, power de-energization, plan revisions, weather delays and holidays, and will extend the contract time by 267 days resulting in a new completion date of December 20, 2018. After completion and acceptance of the project on February 26, 2019, CAC submitted a claim on May 16, 2019, for additional contract time and compensation. Negotiations between CAC and Palm Beach County commenced and an agreement was reached on March 18, 2020, resulting in the preparation of Change Order No. 8. The contract was approved on September 27, 2016, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance at the time. The SBE goal for all contracts was 15%. CAC committed to 11.61% SBE participation. Their SBE participation for this change order is 0%, and their cumulative SBE participation to date, including this change order, is 11.6%. CAC is a Palm Beach County based company. District 1 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a settlement agreement and mutual release (Agreement) with Engecon Construction, Inc. (ECI) for the amount of \$245,392.62 to terminate the construction contract dated July 10, 2018 (R2018-0969) for Palmetto Park Road from SW 7<sup>th</sup> Avenue to SW 5<sup>th</sup> Avenue, and bridge replacement over the LWDD E-4/EI Rio Canal (Project). **SUMMARY:** Approval of the agreement will terminate Palm Beach County's (County) construction contract with ECI and pay them the agreed upon amount of \$245,392.62 for overhead expenses such as materials purchased, shop drawing preparation, M.O.T. preparation and submittals, cost for bonds, workers compensation, and project insurance requirements, that were incurred after the award of the construction contract on July 10, 2018. This contract was initially put on hold before the notice to proceed could be issued to ECI for 457 days, which includes the 120 days allowed per Section 3-2.1 of the project documents page GP-8, unless otherwise agreed by the contractor and engineer. The hold was necessary to address utility issues that conflicted with several trees sought for preservation by the City of Boca Raton. Upon resolution of the utility issues and consideration of redesign and increased construction costs, it was determined that the best course of action was not to issue the notice to proceed to ECI, abort the contract, and rebid the project. District 4 (YBH)

E. COMMUNITY SERVICES

1. ~~DELETED FOR FURTHER STAFF REVIEW: Staff recommends motion to approve:~~ the appointment of one new member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council:

<u>Seat No.</u>	<u>Appointment</u>	<u>Term Expires</u>
45	Tyrina A. Pinkney	05/06/22

~~**SUMMARY:** The Palm Beach County HIV CARE Council (HIV CARE Council) nomination process is an open process with publicized criteria and legislatively defined conflict of interest standards. Ms. Pinkney has successfully completed the HIV CARE Council's nomination process and the HIV CARE Council recommends the appointment. The total membership for the HIV CARE Council shall be no more than 33 at-large members, per Resolution No. 2011-1560. Ms. Pinkney will complete the unexpired term for Ms. Whitney Davis. Ms. Pinkney is an employee of The Lord's Place, Inc., which contracts with the County for services. The HIV CARE Council provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transaction. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach Code of Ethics. The diversity count for the 22 seats that are currently filled is: African-American: 9 (41%), Caucasian: 8 (36%), Hispanic-American: 4 (18%) and Asian-American: 1 (5%). The gender ratio (female: male) is 11:11. Ms. Pinkney is African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Ryan White Program) Countywide (HH)~~

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: an agreement for Provision of Financial Assistance with the Drug Abuse Foundation of Palm Beach County, Inc. (DAF), for the period July 1, 2020 through September 30, 2020, in an amount not to exceed \$100,000, which is budgeted in FY 2020, to furnish, equip and supply the Women and Children's Pavilion - Moms and Babies Program. **SUMMARY:** The purpose of this agreement is to provide a one-time financial support to DAF in order to furnish, equip and supply the Women and Children's Pavilion (WCP). The WCP is an 8,000 square foot, 22 bed facility, which is scheduled to open on October 1, 2020. The WCP will house the Moms and Babies Program. The WCP will include a large dormitory with private rooms, a living space that includes a full kitchen and other amenities, a full-size nursery, children's play area, and staff space. The Moms and Babies Program will provide a fully independent regimen of evidence-based clinical therapeutic, medical and recovery supportive services uniquely designed for substance involved pregnant and postpartum women. Alton Taylor, an employee of DAF is a member of the Public Safety Coordinating Council. The Public Safety Coordinating Council provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. (Community Services) Countywide (HH)
3. Staff recommends motion to approve: a Data Provision and Confidentiality Agreement with The City of West Palm Beach, for the period July 14, 2020 through July 13, 2025, to share access of limited client-level information entered into various County data management information systems, at no cost to the County. **SUMMARY:** The Data Provision and Confidentiality Agreement requested will include sharing of limited client-level information entered into County data management information systems for various Health and Human Services programs within the Community Services Department. The County has entered into a contract with Groupware Technologies, Inc. for Provide Enterprise software, Eccovia Solutions, Inc. for ClientTrack software, and has developed the Online System for Community Access to Resources and Social Services that enables interoperability between County client services databases. This agreement will reduce duplication of services; facilitate improved service delivery and more effectively utilize available resources. This agreement allows for both The City of West Palm Beach and the County to coordinate services and service delivery by improving data infrastructure and reducing administrative burden on clients seeking services. No County funds are required. (Community Services) Countywide (HH)
4. Staff recommends motion to approve: the Research Electronic Data Capture (REDCap) Non-profit End User License Agreement with Vanderbilt University, for a start date of July 14, 2020, with no expiration date, for use of the Research Electronic Data Capture (REDCap) software. **SUMMARY:** On July 2, 2019, the Board of County Commissioners (BCC) adopted the Infectious Disease Elimination Ordinance pursuant to Section 381.0038(4), Florida Statutes (2019), the State's Infectious Disease Elimination Act (IDEA). As required by the IDEA, the County's ordinance contains conditions precedent to establishing a Needle Exchange Program (NEP). In March of 2020, the BCC satisfied the first of these conditions by entering into a letter of agreement with the Florida Department of Health in which the BCC agreed that the NEP will operate in accordance with the requirements of the IDEA. The County's ordinance and IDEA require monthly, quarterly and annual reporting of specific data related to the NEP. A free license agreement for REDCap is requested for the required collection and reporting of NEP data. REDCap is used by NEPs across the country, including at the IDEA Exchange at the University of Miami. The final condition precedent to establishing the NEP is BCC approval of an operator contract. No County funds are required for the operation of the needle exchange program, as they are expressly prohibited by IDEA. Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to:

**A) approve** a Memorandum of Understanding (MOU) with the Florida Department of Elder Affairs (DoEA), for the period July 1, 2020 through June 30, 2021, in an amount not to exceed \$4,097 for reimbursement of volunteer support expenses;

**B) authorize** the County Administrator or designee to execute agreements, memorandums of understanding, amendments, thereto, and all other documents necessary for the implementation of the Senior Companion Program; and

**C) approve** a budget amendment of \$4,422 in the Division of Senior Services Administration Fund to align the budget to the actual revenue award.

**SUMMARY:** The purpose of this MOU is to designate Palm Beach County's Department of Community Services, Division of Senior Services (DOSS) as a Department Senior Companion Program (SCP) Volunteer Station, as currently established by the MyFloridaMarketPlace. Designated volunteer stations assist the DoEA with overall program implementation, including volunteer recruitment, training, assignments and performance evaluations. The major goals of the SCP are to engage persons 55 and older, particularly those with limited incomes, in volunteer service to meet critical community needs; provide benefits to volunteers such as stipends and/or meals and mileage reimbursements; and provide supportive services to elders to maintain independent living. The SCP served 64 clients and provided 28,236 hours of companionship from GY 2016-GY 2019. Under this MOU, the Senior Companion volunteers will provide approximately 14,616 hours of companionship to seniors. DOSS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 3, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Senior Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. No County match is required. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (HH)

F. AIRPORTS

1. Staff recommends motion to receive and file: a Terminal Space Lease Agreement (Agreement) with American Sales and Management Organization, LLC, a Florida limited liability company (ASMO), commencing April 1, 2020, and terminating on September 30, 2020 (Initial Term), and automatically renewing on an annual basis each October 1st to September 30th until canceled, for ASMO to lease approximately 193 square feet of ticket office space in the Palm Beach International Airport (PBI) terminal building for payment of rental in the amount of \$7,318.56 for the Initial Term. **SUMMARY:** ASMO provides aeronautical services, including skycap and wheelchair services to airlines at PBI. The Agreement provides for the lease of 193 square feet of terminal space. Delegation of authority for execution of the standard form Terminal Space Lease Agreement was approved by the Board pursuant to R2018-0995. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to receive and file: an Extension of Time to the following Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT):

**A)** Pavement Rehabilitation at Palm Beach County Park Airport, Financial Project Number 429730-1-94-01 approved by the Board on March 22, 2016 (R2016-0332 and R2016-0333), until June 30, 2021;

**B)** Perimeter Fence Improvements at North Palm Beach County General Aviation Airport, Financial Project Number 430950-1-94-01 approved by the Board on December 17, 2013 (R2013-1784 and R2013-1785), and amended on December 2, 2014 (R2014-1809 and R2014-1810), until October 31, 2020; and

**C)** Fuel Farm Improvements at Palm Beach County Glades (Pahokee) Airport, Financial Project Number 427892-1-94-01 approved by the Board on February 3, 2015 (R2015-0149 and R2015-0150), until December 31, 2020.

**SUMMARY:** The Extension of Time agreements extend the availability of grant funding to allow for the continuation of project activities at said airport. Delegation of authority for execution of the above Extensions of Time to the JPAs with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F11). Countywide (AH)

3. Staff recommends motion to:

**A)** **adopt** a resolution approving the Termination of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) to Construct Hangars at North Palm Beach County General Aviation Airport (F45); and

**B)** **approve** a budget amendment of \$2,000,000 in the Airport's Improvement and Development Fund to terminate the receipt of a grant from the FDOT, and reduce budget project cost of \$2,500,000; which includes a transfer to Reserves in the amount of \$500,000.

**SUMMARY:** On December 3, 2019, the Board adopted a resolution (R2019-1839) approving a PTGA (R2019-1840) with the FDOT in the amount of \$2,000,000 to Construct Hangars at F45. The grant expiration date is December 31, 2022. Due to the higher than anticipated cost to construct a hangar facility at F45 and our need to reduce spending of airport revenues, the Department of Airports is requesting to terminate this PTGA, therefore, the FDOT has provided a Termination Agreement relieving both parties of any obligations under this agreement. The termination of this agreement will also provide for the release of \$500,000 in Airport Reserve funds used to provide the local match (20%) for this project. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: an appointment to Seat No. 3 to the Investment Policy Committee for a three year term.

<u>Nominee</u>	<u>Term</u>	<u>Nominated By</u>
Lawrence Jean-Louis	7/14/20 - 9/30/23	Mayor Kerner Commissioner Berger Commissioner McKinlay Commissioner Bernard

**SUMMARY:** The Investment Policy Committee is comprised of seven members, with four being at-large appointments by the Board of County Commissioners (BCC), one being a representative appointed by the Sheriff, a member appointed from OFMB by the County Administrator, and the Chair being a member of the BCC, currently Commissioner Valeche. Of the seats currently filled, the diversity count is: five Caucasian (83%) and one African-American (17%). The gender ratio (male:female) is 5:1. The nominee is an African-American female. Countywide (DB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) adopt** a resolution authorizing an Amended and Restated Lease Agreement (Lease) with the City of Delray Beach, FL (City) and consent to an Amended and Restated Sublease Agreement (Sublease) between the City and the Friends of Sandoway House Nature Center, Inc., a Florida not for profit Corporation (Friends) for the City and Friends continued use of approximately one third acre of land improved with a 3,700 square foot residential structure located at 142 S. Ocean Blvd in Delray Beach known as the Sandoway House;

**B) approve** an Amended and Restated Lease Agreement with the City of Delray Beach commencing on August 10, 2020 and extending until August 9, 2055 for \$1 per year; and

**C) approve** a Consent to the Sublease between City of Delray Beach and the Friends of Sandoway House Nature Center, Inc. commencing on August 10, 2020 and extending until August 9, 2055 for \$1 per year.

**SUMMARY:** On July 25, 1995, the County approved an Interlocal Agreement (R95-992D) and a Land Lease Agreement (R95-993D) with the City for the City's use of the Sandoway House; providing 30 additional parking spots for beach parking, enhancing the recreational potential of the beach area and potential parks and recreation related educational opportunities such as the establishment of a marine educational center. In 1996, the County approved a Sublease and Management Agreement (96-1038D) between the City and the Friends for purposes of maintaining a nature and education center for nature/educational/historical programs and other public purposes. Friends, in partnership with the City, obtained grants and renovated the structure. The lease and sublease will extend the term of both agreements for 35 years. Pursuant to the lease, the City is responsible for the continued maintenance of the property as well as all utilities, repairs and removal of its property and restoration of the premises at the expiration or termination of the lease. Under the sublease, Friends will remain responsible for performing the City's maintenance obligations and will provide nature and educational programs at the property. The Parks and Recreation Department supports extending the term of these agreements and will continue to have administrative responsibility for the Lease. (Property and Real Estate Management) District 4 (HJF)

2. Staff recommends motion to approve: an Amended and Restated Interlocal Agreement (Agreement) with the Town of Jupiter Inlet Colony (Municipality), allowing for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (County's System) to the Municipality for a period of July 4, 2020 through July 16, 2025. **SUMMARY:** This Agreement provides the terms and conditions under which the Municipality can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. This Agreement is intended to replace the Interlocal Agreement (R2013-0673) between County and Municipality, amended by First Amendment R2018-0259, and adds the procedure to be followed to obtain a Federal Shared Encryption Key for direct radio interoperability with Federal Agencies. The County's System will not be utilized for routine operational communications by the Municipality. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Municipality is required to pay all costs associated with the Municipality's subscriber units and to comply with the established operating procedures for the County's System. This Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an annual contract with the following contractor for the installation of sports field lighting on an as-needed basis through September 9, 2024.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Grid-One Electrical Construction, Inc.	Local/Glades	SBE

**SUMMARY:** On September 10, 2019, the Board approved the annual sports field lighting contract. The work consists of supervision, labor, and miscellaneous materials (excluding light fixtures) required for complete electrical system modifications related to the replacement of the sports field lighting system and associated controls at select County park locations. The contractor now joins the list of three already prequalified contractors for a total of four with a contract expiration date of September 9, 2024. The specific magnitude of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$4,000,000 across all prequalified contractors. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently four have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. The annual contract was last presented to the Goal Setting Committee on March 4, 2020 and an Affirmative Procurement Initiative of Sheltered Market was applied for projects under \$100,000 (when three or more Small Business Enterprises (SBE) are qualified under the annual contract) or an SBE contractor will be given a price preference if its bid is within 10% of the lowest responsive and responsible bidder. Grid-One Electrical Construction, Inc. is a local business located in the Glades area. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for each work order issued. Current cumulative S/M/WBE participation for all work orders to-date under the Sports Field Lighting Annual is 2.98%. (Capital Improvements) Countywide (LDC)

4. Staff recommends motion to approve: Amendment No. 1 to the Construction Manager (CM) contract with Lebolo Construction Management, Inc. (R2018-1161) extending the contract term for two years to provide construction management services on a continuing contract basis for federally funded projects for the period of August 13, 2020 through August 13, 2022 with a cumulative limit of \$9,000,000. **SUMMARY:** The contract provides for CM services associated with the construction of various federally funded capital projects, which may include new construction, additions, or renovations where the value of the individual project does not exceed \$2,000,000 (after July 1, up to \$4,000,000 due to changes in the Florida Statutes). The original contract provided for an initial term of two years with one, two year renewal option. During the first two years, the county has awarded \$3,195,082 in task authorizations. Amendment No. 1 will extend the contract through August 13, 2022 with a cumulative limit of \$9,000,000. Lebolo Construction Management, Inc. is a State of Florida recognized Disadvantaged Business Enterprise. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Amendment No. 1, which extends the term of the following three continuing contracts to provide Property Development Evaluation services for various capital improvement projects through August 13, 2021:

**A)** Gentile Glas Holloway O'Mahoney & Associates, Inc. Landscape Architects, Planners, Environmental Consultants (R2018-1171), SBE/Local, 84.23% SBE participation to date;

**B)** Jon E. Schmidt & Associates, Inc. d/b/a Schmidt Nichols (R2018-1172), SBE/Local, 93.36% SBE participation to date; and

**C)** Urban Design Studio, LLC d/b/a Urban Design Kilday Studios (R2018-1173), SBE/Local, 57.65% SBE participation to date.

**SUMMARY:** Amendment No. 1 extends the term of three contracts to provide planning engineering, and related consulting services to evaluate the possible development of existing county-owned property and potential land acquisition parcels. The Board approved the continuing contracts on August 14, 2018 and the original contract provided for an initial two year term with two renewal options each for a period of one year. Amendment No. 1 will provide services through first renewal period from August 13, 2020 through August 13, 2021. The firms have been awarded a cumulative value of \$481,551.54 in task authorizations. The firms under the existing Property Development Evaluation continuing contracts were selected under the county's prior Small Business Enterprise (SBE) program where a 15% SBE goal applied. The Office of Equal Business Opportunity has reviewed and approved this renewal request under the existing terms. (Capital Improvements Division) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: an annual contract with the following contractor for Electrical services on an as-needed basis through November 18, 2024.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Imperial Electrical Incorporated	Non-Local	Non-SBE

**SUMMARY:** On November 19, 2019, the Board approved the annual Electrical contract. The work consists of electrical services associated with repairs, improvements and renovations to County properties. The contractor now joins the list of eight already prequalified contractors for a total of nine with a contract expiration date of November 18, 2024. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$1,000,000 across all prequalified contractors. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently nine have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. The Electrical annual contract was last presented to the Goal Setting Committee on March 4, 2020 and the committee established Affirmative Procurement Initiatives of sheltered market for projects under \$100,000 (when three or more small businesses are qualified under the annual contract) or a Small Business Enterprise contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid. The Small/Minority/Women Owned Business Enterprise (S/M/WBE) actual participation will be identified on each work order, and will be tracked cumulatively for each work order issued. Current cumulative S/M/WBE participation for all work orders to-date under the Electrical Annual is 82.59%. (Capital Improvements) Countywide (LDC)

I. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: the following two contracts:

**A)** a contract for Purchase and Sale with Gilmar Ribeiro and Sirlei Silveira for the acquisition of the Workforce Housing Unit at 5307 Silverdrift Lane, Lake Worth Beach, FL 33463; and

**B)** a contract for Purchase and Sale with Scott Allen Nadell and Michaela Joshea Nadell for the acquisition of the Workforce Housing Unit at 5331 Silverdrift Lane, Lake Worth Beach, FL 33463.

**SUMMARY:** The documents have been executed on behalf of the Board of County Commissioners by the County Administrator in accordance with Agenda Item 3I-8 dated October 22, 2019. These two units are located at Lennar Homes' Silverwood Estates development off Hypoloxo Road in Lake Worth Beach. In June 2019, the County purchased six townhomes at Silverwood Estates as part of its Workforce Housing Program (WHP) initiative and began marketing the units to qualified buyers. The remaining four units continue to be owned by the County with ongoing sales efforts to attract qualified buyers. Funds received by the County from the sale of these units will be returned to the Workforce Housing Trust Fund. 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. WHP funds do not require a local match. District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to receive and file: Amendment 004 to the Loan Agreement (R2017-0427) with Neighborhood Renaissance, Inc., under the Neighborhood Stabilization Program 2 (NSP2). **SUMMARY:** The document has been executed on behalf of the Board of County Commissioners by the County Administrator in accordance with Agenda Item 3I-3 dated May 17, 2016. Amendment 004 with Neighborhood Renaissance, Inc., amends the Loan Agreement (R2017-0427) providing \$4,016,174 in NSP2 program income funds for the construction of Mango Cove Apartments, a 36 unit affordable rental project in unincorporated Palm Beach County. This amendment extends the date for the drawdown of all available loan funds to September 30, 2020. 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. NSP2 program income funds are Federal grant funds which require no local match. District 3 (HJF)

3. Staff recommends motion to approve:

**A)** a budget transfer of \$440,080 in the Housing and Community Development Fund; and

**B)** a budget amendment of \$440,080 in the Park Improvement Fund to recognize the transfer.

**SUMMARY:** On July 2, 2019, the Board of County Commissioners adopted Resolution Number R2019-0979 approving the Fiscal Year 2019-2020 Action Plan. The Action Plan is Palm Beach County's application to HUD for funding under the CDBG, HOME and ESG Programs. Included in the Action Plan were allocations of Federal Community Development Block Grant (CDBG) funds for ADA restrooms, parking, pathways and related improvements at John Stretch Park for \$280,000, Haverhill Park for \$20,080 and Glades Pioneer Park for \$140,000. The Memorandum of Understanding agreements with Palm Beach County Parks and Recreation Department and Palm Beach County Facilities Development and Operations Department and Palm Beach County Department of Housing and Economic Sustainability require that an interdepartmental budget transfer be established to reimburse Parks for eligible project costs. This budget transfer and amendment is necessary to appropriate the required budget. CDBG funds require no local match. Districts 2 & 6 (HJF)

4. Staff recommends motion to approve: two waivers regarding the private investment match and promotional domestic and international travel requirements to the Agreement (R2016-1422) Scope of Services with the Business Development Board of Palm Beach County, Inc. (BDB). **SUMMARY:** On September 27, 2016, the Board of County Commissioners (BCC) entered into an Agreement (R2016-1422), as amended (R2017-1707) on November 7, 2017, and as amended (R2018-2066) on December 18, 2018, with the BDB to provide business recruitment, expansion, and retention services and general marketing for Palm Beach County. The Agreement is from October 1, 2016 through September 20, 2021 and is in the fourth year of its five year term. The public/private partnership between the County and the BDB works toward creating a stable and diverse economic climate throughout Palm Beach County. BDB has requested two revisions in the Agreement's Scope of Services due to COVID-19. These revisions include granting a waiver for Task 18 and Task 20. Task 18 requires the BDB to raise private funds in the amount of \$1,431,470. The BDB has raised \$1 Million to date and may raise additional funds. However, due to businesses not being fully operational, a decline in revenue is anticipated. Task 20 requires the BDB to participate in ten domestic/international outreach missions with Enterprise Florida, BDB has already accomplished four; however, due to travel restrictions this deliverable will not be met. Countywide (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to approve:

**A)** a budget transfer of \$300,000 in the Housing and Community Development Fund; and

**B)** a budget amendment of \$300,000 in the Park Improvement Fund to recognize the transfer.

**SUMMARY:** On July 2, 2019, the Board of County Commissioners adopted Resolution Number R2019-0979 approving the Fiscal Year 2019-2020 Action Plan. The Action Plan is Palm Beach County's application to HUD for funding under the CDBG, HOME and ESG Programs. Included in the Action Plan was an allocation in Federal Community Development Block Grant (CDBG) funds of \$300,000 to construct Bridgeman Park. The Bridgeman Park project was completed without the need for these allocated funds which allowed their reprogramming. Accordingly, the Fourth Amendment to the Fiscal Year 2019-2020 Action Plan was processed to delete the Bridgeman Park Project and to reallocate these funds for ADA improvements for Glades Pioneer Park for \$1,118, Kenwood Estates Park for \$43,828, Crossroads Depot RV Park for \$13,036 and the John Prince Park Therapeutic Recreation Center for \$242,018. The ADA improvements include installation of pool shade structure, pool deck expansion, playground equipment and picnic shelter, ADA fitness area with exercise equipment. The Palm Beach County Parks and Recreation Department and Palm Beach County Facilities Development and Operations Department are the implementing agencies for these public facility projects. This budget transfer and amendment is necessary to appropriate the required budget. CDBG funds require no local match. Districts 2, 3 & 6 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

6. Staff recommends motion to receive and file: documents executed in connection with two loans made to ARC Realty Holding LLC under the Housing and Urban Development Section 108 Loan Program and the U.S. Department of Agriculture (USDA) Intermediary Relending Program (IRP) as follows:

- A) Palm Beach County Section 108 Loan Commitment Letter for \$119,672;
- B) Palm Beach County Section 108 Promissory Note for \$119,672;
- C) Palm Beach County Section 108 Loan Agreement for \$119,672;
- D) Palm Beach County Section 108 Loan Program Agreement for \$119,672;
- E) Palm Beach County Section 108 Mortgage and Security Agreement;
- F) Palm Beach County Section 108 Collateral Security Agreement;
- G) Palm Beach County Section 108 Guaranty Agreement;
- H) Palm Beach County Section 108 Further Assurances and Errors and Omissions Statement;
- I) Palm Beach County Section 108 Environmental Indemnity Agreement;
- J) Opinion of Counsel for Borrower and Guarantors;
- K) Palm Beach County USDA IRP Commitment Letter for \$100,000;
- L) Palm Beach County USDA IRP Promissory Note for \$100,000;
- M) Palm Beach County USDA IRP Loan Agreement for \$100,000;
- N) Palm Beach County USDA IRP Mortgage and Security Agreement;
- O) Palm Beach County USDA IRP Collateral Security Agreement;
- P) Palm Beach County USDA IRP Guaranty Agreement;
- Q) Palm Beach County USDA IRP Further Assurances and Errors and Omissions Statement'
- R) Palm Beach County USDA IRP Environmental Indemnity Agreement;
- S) Borrower's Certificate (Incumbency and Resolutions) – ARC Realty Holding LLC;
- T) Corporate Guarantor's Certificate (Incumbency & Resolutions) ARC Development Global, LLC; and
- U) Corporate Guarantor's Certificate (Incumbency & Resolutions) MYR'S Management Service, LLC.

**SUMMARY:** The documents have been executed on behalf of the Board of County Commissioners by the County Administrator or designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. The Section 108 \$119,672 loan is for ARC Realty Holding LLC, a real estate holding company, to purchase the building located at 200 Dr. Martin Luther King, Jr. Boulevard West in Belle Glade. The County's IRP \$100,000 loan funds will be used to renovate the building. Office space will be leased to several small businesses. The project will create four full time equivalent jobs over five years. 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. These are Federal funds which require no local match. District 6 (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

7. Staff recommends motion to receive and file: documents executed in connection with a loan made to ARC Development Global, LLC and a loan made to MYR'S Management Services, LLC under the U.S. Department of Agriculture (USDA) Intermediary Relending Program (IRP) as follows:

**ARC Development Global, LLC**

- A) Palm Beach County USDA IRP Commitment Letter for \$34,000;
- B) Palm Beach County USDA IRP Promissory Note for \$34,000;
- C) Palm Beach County USDA IRP Loan Agreement for \$34,000;
- D) Palm Beach County USDA IRP Security Agreement;
- E) Palm Beach County USDA IRP Guaranty Agreement;
- F) Palm Beach County USDA IRP Further Assurances and Errors and Omissions Statement;
- G) UCC-1 Financing Statement (Florida Secured Transaction Registry); and
- H) Borrower's Certificate (Incumbency and Resolutions) ARC Development Global, LLC.

**MYR'S Management Services, LLC**

- I) Palm Beach County USDA IRP Commitment Letter for \$29,000;
- J) Palm Beach County USDA IRP Promissory Note for \$29,000;
- K) Palm Beach County USDA IRP Loan Agreement for \$29,000;
- L) Palm Beach County USDA IRP Security Agreement;
- M) Palm Beach County USDA IRP Guaranty Agreement;
- N) Palm Beach County USDA IRP Further Assurances and Errors and Omissions Statement;
- O) Deed of Trust, Security Agreement, and Financing Statement;
- P) UCC-1 Financing Statement (Florida Secured Transaction Registry); and
- Q) Borrower's Certificate (Incumbency and Resolutions) MYR'S Management Services, LLC.

**SUMMARY:** The documents have been executed on behalf of the Board of County Commissioners by the County Administrator or designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. The USDA IRP \$34,000 loan will be used for working capital by ARC Development Global, LLC, a land development planning firm, and the USDA IRP \$29,000 loan will be used for working capital by MYR'S Management Services, LLC., a certified tax preparer and multi-faceted company serving the Glades communities. Both businesses will be located at 200 Dr. Martin Luther King, Jr. Boulevard West in Belle Glade. The total project will create four full time equivalent jobs over five years. 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. These are Federal funds which require no local match. District 6 (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

8. ~~DELETED FOR FURTHER STAFF REVIEW: Staff recommends motion to approve:~~

~~A) an Assumption and Consent Agreement (Assumption Agreement) with the Malibu Bay Preservation, Ltd. (New Borrower), and Executive Trust, Ltd. (Original Borrower);~~

~~B) a Subordination and Intercreditor Agreement (Subordination Agreement) with the New Borrower, U.S. Bank National Association and Citibank, N.A.;~~

~~C) a Seconds Global Modification and Amendment of Mortgage and Security Agreement and Other Loan Documents; and~~

~~D) delegation of authority to the County Administrator, or designee, to execute any amendments to the Assumption Agreement and the Subordination Agreement, along with any documents necessary to complete the transaction.~~

**SUMMARY:** ~~On March 1, 2005, the County entered into a Loan Agreement (R2005-0463) with the Original Borrower to provide \$262,000 in State Housing Initiative Partnership Program funds towards the construction of a 262 unit affordable housing rental project. The project, known as Malibu Bay, was completed in 2005 and is located at 750 West Executive Center Drive, in West Palm Beach. This three percent interest only cash flow dependent loan was secured by Mortgage and Security Agreement (County Mortgage) and a Promissory Note from the Original Borrower with a maturity date of December 31, 2020, when all outstanding principal and accrued and deferred interest is payable. On May 19, 2015, the Board of County Commissioners (BCC) approved the subordination of the County Mortgage to a refinanced first mortgage of \$20,729,900. As part of this transaction, the County Mortgage and Promissory Note were amended to extend the maturity date to May 1, 2050, and required the Original Borrower to begin payment of an annual monitoring fee of \$7,500 as of 2016. The New Borrower proposes to purchase and renovate the development and wishes to take out a \$38,230,000 new first mortgage. The New Borrower wishes to assume the financial obligations contained in County Mortgage and Promissory Note, as amended. In addition, the New Borrower has agreed to extend the income requirement mandating that tenants occupying these units have incomes at or below 60% of area median income. The income requirement would extend to the new maturity date of May 1, 2050. Furthermore, the New Borrower has agreed to bring the payments owed on the County's Promissory Note current by paying \$109,755.82 at closing. District 7 (HJF)~~

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** an executed Standard Potable Water and Wastewater Development Agreement for the month of March 2020 and two Standard Reclaimed Water Development Agreements for the month of April 2020.

**A)** Standard Potable Water and Wastewater Development Agreement with Mattamy Palm Beach LLC, SDA #02-01159-000 (District 6), Recorded in OR BK 31366 PG 0787;

**B)** Standard Reclaimed Water Development Agreement with Pebb Atlantic, LLC, SDA #09-90015-000 (District 5), Recorded in OR BK 31366 PG 0797; and

**C)** Standard Reclaimed Water Service Agreement – Direct Irrigation System with Pebb Atlantic, LLC, Ref. to SDA #09-90015-000 (District 5), Recorded in OR BK 31366 PG 0804.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item and are attached unless the documents have been recorded in the Public Records of Palm Beach County. The documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Palm Beach County Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. Districts 5 & 6 (MJ)

2. **Staff recommends motion to approve:** Work Authorization (WA) No. 2 to the 2019 Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (Contractor) for the Garden Place North, Juniper Avenue and Kismet Avenue Water System Improvement, Pahokee (Project) in the amount of \$320,975.14. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0160) with Contractor. WA No. 2 provides for the installation of approximately 1,800 linear feet of 4-inch, 6-inch, 8-inch and 12-inch water main and associated fire hydrants and water services along Garden Place, Juniper Avenue and Kismet Avenue in Pahokee. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation. The Contract provides for 20.07% SBE participation. WA No. 2 includes 21.61% SBE participation. The cumulative SBE participation including WA No. 2 is 21.61%. Contractor is a Palm Beach County company. The Project is included in the PBCWUD FY20 budget. (PBCWUD Project No. 18-058) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve:

**A)** 2019 Pipeline Continuing Construction Contract (Contract) with Centerline Utilities, Inc. (Contractor) for a three year term in the amount of \$14,713,723.44 and

**B)** Work Authorization (WA) No. 1 to the Contract for the CD03 Water Distribution System Improvements Phase 3: Gun Club Estates (Project) in the amount of \$1,842,803.98.

**SUMMARY:** On March 11, 2020 the Palm Beach County Water Utilities Department (PBCWUD) received seven bids for the Contract. The Contractor was determined to be the lowest responsive and responsible bidder. The Contract will provide the necessary services to expedite utility special assessment projects and other pipeline improvement projects throughout PBCWUD's service area where timing is critical. The Contract award is for the unit bid prices received and overall bid dollar amount of \$14,713,723.44 was utilized to establish the unit prices for work under this Contract. The Contract does not guarantee or authorize Contractor to perform any work. Work will be assigned during a three year period by Work Authorizations drawn against the Contract, subject to approval pursuant to the requirements of PPM CW-F-050. The unit prices contained in the Contract will be used to determine the amount of each Work Authorization. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On January 15, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. The Contractor has met the established API for this Contract. The Contract provides for 23.36% SBE participation which includes 10.55% MBE participation, 6.76% MBE (H) and 3.78% MBE (B). WA No. 1 includes 20.64% SBE participation, 10.61% MBE (H). WA No. 1 provides for the replacement of approximately 9,100 linear feet of asbestos cement water main in varying sizes; fire flow protection improvement and approximately 129 water services conversions located within the Gun Club Estates residential community in West Palm Beach. Contractor is headquartered in Palm City, Florida but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY20 Budget. (PBCWUD Project No. 19-073 Contract and PBCWUD Project No. 15-102 WA No. 1) Countywide (MJ)

4. Staff recommends motion to approve: Work Authorization (WA) No. 6 to the Contract for Optimization and Improvements Design-Build (Contract) with Cardinal Contractors, Inc., (Cardinal) for the Southern Region Water Reclamation Facility (SRWRF) Process Blower Improvements (Project) in the amount of \$1,916,110.00.

**SUMMARY:** On January 15, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0100) with Cardinal. WA No. 6 provides for the installation of one (1) mechanical blower and replacement of inlet and outlet slide gates at SRWRF to improve redundancy and reliability of the wastewater treatment process. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 31% SBE participation which includes 21% M/WBE participation, 16% MBE (H) and 5% MBE (O). WA No. 6 includes 48.72% SBE, 8.40% MBE (B) and 6.68% MBE (O) participation. The cumulative SBE and M/WBE participation including WA No. 6 is 28.19% SBE, 1.86% MBE (B) and 5.39% MBE (O). Cardinal is headquartered in Sunrise, Florida but maintains an office in Palm Beach County from which the majority of the work under WA No. 6 will be undertaken. The Project is included in the PBCWUD FY20 budget. (PBCWUD Project No. 18-067) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 17 to the Utility Distribution & Collection System Engineering Services Contract (Contract) with Chen Moore and Associates, Inc., (Consultant) for the Air Release Valve Rehabilitation Program (Project) for a total amount of \$235,241.15. **SUMMARY:** On June 20, 2017, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2017-0816) with Consultant. CSA No. 17 provides for professional engineering services relating to the design and permitting for the rehabilitation of 101 air release valves in the force main system in need of repair within the PBCWUD's service area. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 100% SBE participation. CSA No. 17 includes 100% SBE participation. The cumulative SBE participation is 99.42%. Consultant is a Palm Beach County Company. This Project is included in the PBCWUD FY20 Budget. (PBCWUD Project No. 20-029) Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** Task Assignment Change Order No. 3, to Task Assignment No. IP8, Contract No. FWC11357 (R2012-0573) with Florida Fish and Wildlife Conservation Commission (FWC), to add 150 acres to the total acreage to be treated (390 acres total) to control floating plants in Lake Osbourne. This Change Order No. 3 does not alter the original cost reimbursement of \$65,852, nor the original completion date of June 30, 2020. **SUMMARY:** On April 17, 2012, the Board of County Commissioners approved FWC Contract No. FWC11357 (R2012-0573) (Contract) for aquatic vegetation control services in the following lakes: Clarke, Ida, Osborne, and Pine. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with this Contract was approved at that time. This contract facilitates County treatment and control of aquatic exotic plants within the Chain of Lakes. County work is reimbursed by FWC. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. Districts 2, 3 & 4 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

**A) approve** a Sovereignty Submerged Lands Easement (Easement) with the Board of Trustees of the Internal Improvement Trust Fund of The State of Florida for a term beginning October 23, 2019 and expiring October 23, 2034;

**B) authorize** the County Administrator or designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Easement, and any necessary minor amendments that do not significantly change the scope, terms, or conditions of the Easement.

**SUMMARY:** The Easement authorizes use of State Sovereignty Submerged Lands located 1.6 miles northeast of Jupiter Inlet as a borrow area for the upcoming North County Comprehensive Shoreline Protection Project (Project) beach renourishment scheduled for construction during the 2020/2021 dredging season. A Florida Department of Environmental Protection Letter of Consent previously authorized use of the Easement for recently completed emergency beach renourishment in the Project area. This Easement formalizes long-term use of the borrow area for future placements. The liability language is not consistent with County PPM CW-F-049, requiring both parties to indemnify each other. However, it is standard State language that requires both parties to be responsible for their own actions. This liability language has been reviewed and approved by Risk Management. There is no cost to the County. District 1 (SS)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file:

**A)** an agreement with the YMCA of the Palm Beaches for coordination of Summer Camp at Westgate Park and Recreation Center and West Jupiter Park and Recreation Center effective from June 15, 2020 through August 7, 2020; and

**B)** an agreement with the YMCA of South Palm Beach County for coordination of Summer Camp at West Boynton Recreation Center effective from June 15, 2020 through July 31, 2020.

**SUMMARY:** Due to operational challenges associated with COVID-19, the Parks and Recreation Department is unable to run its traditional summer camp programs at Westgate Park and Recreation Center, West Jupiter Park and Recreation Center, and West Boynton Recreation Center. After learning of our potential summer camp closures, both the YMCA of the Palm Beaches and the YMCA of South Palm Beach County approached the Department and requested use of our recreation centers to run on-site day camp services for youth ages 5-12. This partnership enables the Department to serve the parents of 90 youth who would not have otherwise had summer day camp childcare. The YMCA of the Palm Beaches is utilizing permitted space at two Palm Beach County Parks & Recreation facilities, Westgate Park and Recreation Center and West Jupiter Park and Recreation Center. The YMCA of South Palm Beach County is utilizing permitted space at West Boynton Park and Recreation Center. Registration is open to the public and Youth Services Summer Camp scholarship recipients are eligible to attend. YMCAs are responsible for all operating expenses including compliance with CDC guidance associated with the summer camp programs and the County will provide use of the facilities at no charge as well as provide custodial services and one staff at each site to assist with facility operations. Pursuant to Palm Beach County's Declaration of Continued State of Emergency, both agreements were executed by the County Administrator. Districts 1, 3, & 7 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve: an upward budget amendment of \$5,084 in the County Library Fund to reconcile the State Aid to Libraries Grant Budget to the actual award amount. **SUMMARY:** The State Aid to Libraries Grant Agreement was approved by the Board of County Commissioners and executed on September 10, 2019, (R2019-1384). Notification by the State of the Grant Award in the amount of \$1,007,606 was issued to the County Library on February 13, 2020, to begin on that date and end when funds are fully expended, which is anticipated to be on or before June 30, 2020. The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. The upward budget amendment is necessary to reconcile the State Aid to Libraries Grant Budget to the actual award amount. There are no matching funds for this grant. Estimated State Aid revenue was included in the County Library's FY 2020 budget. Countywide (AH)

S. FIRE RESCUE

1. Staff recommends motion to approve: a standard agreement for swimming lessons for the period retroactive to March 1, 2020 through September 30, 2020 with City of Riviera Beach. **SUMMARY:** On September 27, 2005, the Board adopted Resolution Number R2005-1906 authorizing the County Administrator or designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. The resolution further states that if the total amount budgeted for swimming lesson vouchers exceeds \$80,000 in any fiscal year, all agreements for that fiscal year shall be presented to the Board for approval. In FY 2020, the budget for swimming lesson vouchers is \$84,482. Unfortunately, this budget provision was recognized after the standard agreements were distributed to various agencies for their execution, and the agreements included a start date of March 1, 2020. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to:

**A) accept** U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA), FY 2020 Assistance to Firefighters Grant (AFG) Program – COVID-19 Supplemental (AFG-S), Agreement No. EMW-2020-FG-00759, award in the amount of \$897,556.37 for the purchase of personal protective equipment (PPE) for the period of June 24, 2020 through June 23, 2021;

**B) approve** a budget amendment of \$897,557 within the Fire/Rescue MSTU Fund to recognize the grant award, establish a budget for the approved grant and transfer \$89,756 from contingency reserves for Fire Rescue's matching requirement; and

**C) authorize** County Administrator or designee to accept, approve, execute and submit, electronically or otherwise, on County's behalf the grant award, representations, certifications, acknowledgments, assurances, standard forms and documents, reimbursement requests, amendments, time frames changes, and other necessary documents that do not materially change the general scope or terms and conditions of the grant.

**SUMMARY:** On June 16, 2020, the Board ratified a grant application (R2020-0687) requesting \$909,099.23 to purchase PPE. The application included the required match of \$90,909.92. On June 19, 2020, the County received notification of the grant award from FEMA. This grant award in the amount of \$897,556.37 plus the required matching funds of \$89,755.64 (10% of the federal award amount) from Fire Rescue's Main MSTU contingency reserves equal a total grant project cost of \$987,312.01. The eligible activities under this grant are to purchase PPE and related supplies to prevent, prepare for, and respond to the COVID-19 public health emergency and may include reimbursement for expenditures made since January 1, 2020. The grant award reflects a reduction of \$11,543.86 (approximately 1.3%) in the amount requested due to five items being marked ineligible. The County must comply with all terms, conditions, certifications, assurances and other requirements of the grant program and related regulations, including the Summary Award Memo, Agreement Articles, Obligating Document, Notice of Funding Opportunity and the grant application package. Countywide (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve: Memorandum of Agreement with the Florida Division of Emergency Management (Division) effective on the date of execution by the last signing party through the duration of services provided under the Division's contract DEM-D0003/RFQ-DEM-18-19-021, but no later than June 30, 2024, to utilize the notification system provided by the Division at no cost to transmit alerts, notifications, and other authorized public safety messaging to residents, businesses, and visitors located in or transiting through the County. **SUMMARY:** In 2015, the Florida Legislature made revisions to Section 252.35(2)(a)6, Florida Statutes, which requires the Division to "establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions". As such, the Division and Emergency Management Agencies are the only eligible users of the Statewide Notification System services provided under the Division's contract with Everbridge, Inc. The County's responsibilities shall include use of the system, at no cost to the County, to make notifications of population protective actions, share emergency preparedness and response information, disaster recovery information, provide automated weather warnings, assist with law enforcement searches, and provide notifications and recall of County employees, contractors, and other response partners. The agreement will remain in effect for the duration of services provided under the Division's contract with Everbridge Inc., but no later than June 30, 2024. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: Interlocal Agreements with nine governmental agencies for the reimbursement of Emergency Medical Services (EMS) grant funding for medical equipment.

1. City of Boynton Beach
2. City of Delray Beach
3. City of Greenacres
4. Village of North Palm Beach
5. Town of Palm Beach
6. City of Palm Beach Gardens
7. City of Riviera Beach
8. Village of Tequesta
9. City of West Palm Beach

**SUMMARY:** The County was awarded \$155,993 (CSFA #64.005) during the FY 2019-20 grant cycle from the State of Florida Department of Health, EMS Bureau, to improve and expand EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment. Accordingly, the County has agreed to reimburse the following municipalities: The City of Boynton Beach for the purchase of one large narcotic security box and one small Narcotic Security Box not to exceed the amount of \$9,000; the City of Delray Beach for the purchase of two Stop the Bleed Trainer kits and 158 Bleeding Control kits for the amount of \$12,960; the City of Greenacres for the purchase of one Handtevy Pediatric System, three Stryker stair chairs, one Adult Airway Trainer, one Pediatric Airway Trainer, two StatPacks and one EZ IO Trainer not to exceed the amount of \$14,928.85; the Village of North Palm Beach for the purchase of one ACLS Adult Patient Simulator Package not to exceed the amount of \$21,605; the Town of Palm Beach for the purchase of one Stryker Powerload Cot System not to exceed the amount of \$23,325; the City of Palm Beach Gardens for the purchase of one Adult Cric Trainer and one Pediatric Airway Trainer not to exceed the amount of \$7,246; the City of Riviera Beach for the purchase of one Lucas Chest Compression System not to exceed the amount of \$15,453; the Village of Tequesta for the purchase of one First Responder Mini Ambulance not to exceed the amount of \$14,445; and the City of West Palm Beach for Stop the Bleed kits not to exceed the amount of \$12,466.08. Palm Beach County Fire Rescue previously received \$23,113.25. The remaining \$1,450.82 will roll over into the next grant cycle. On August 13, 2013, the County Administrator or designee was authorized to execute these standard agreements between the County and various governmental and non-governmental agencies and make non-substantive and ministerial changes on behalf of the Board of County Commissioners after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. There is no ad valorem funding required. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file: executed third amendments with the Fifteenth Judicial Circuit Court (Court) which will extend the contract period from June 30, 2020 through June 30, 2021:

**A)** third amendment to agreement for Expert Psychological or Professional Services in Adult and/or Juvenile Criminal Matters, Agreement #R2017-1383; and

**B)** third amendment to agreement for Expert Psychological or Professional Services in Guardianship/Examining Committee Matters, Agreement #R2017-1384.

**SUMMARY:** The Court has contracted with the Division of Justice Services to provide court ordered forensic evaluations and testimony through the County's Court Psychology Office. Seniors, adults, teens and children throughout the county are directed to the Court Psychology Office with the appropriate court order, outlining which specific evaluation is required. The scope of services provided in each agreement includes competency and psychological evaluations for adult and juvenile criminal matters, psychological evaluations for child welfare and family court cases, and appointment as an examining committee member relating to guardianship matters. These agreements compensate the County's Court Psychology Office for the contractual services provided to the Court. The State of Florida is in the process of revising/updating the language of all their contracts. The first amendment extended the contract to December 31, 2019 and the second amendment extended the contract to June 30, 2020 to allow time for the contract revisions. The contract revisions have not been finalized; therefore, another extension was requested. R2005-0792 authorizes the County Administrator or designee to sign agreements to provide psychological services to the Fifteenth Judicial Circuit Court. Countywide (SF)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. **Staff recommends motion to receive and file:** four contracts for Professional Services with the following Doctoral Psychology Interns to complete a required 2,000-hour internship that will provide the interns training and experience in family and youth counseling for the period August 3, 2020, through July 30, 2021:

- A) Gabriella Hill in the amount of \$26,420;
- B) Essence Rivers in the amount of \$26,420;
- C) Meilyn Rodriguez in the amount of \$26,420; and
- D) Lauren Stroker in the amount of \$26,420.

**SUMMARY:** The Youth Services Department's Residential Treatment and Family Counseling Division (Division) is an authorized counselor training facility for many state colleges and universities offering degrees in psychology, social work, etc. Doctoral programs require internships in order to meet degree and licensing requirements. The Division is offering its program as a location to obtain this training. Each intern, at a minimum, is assigned and completes the workload equivalent of a Therapist. The hourly base rate of a Therapist is \$23.11 versus the hourly intern rate of \$12.96. Additionally, each intern will receive a \$500 stipend for health insurance. On September 11, 2012, Agenda Item 3X-3 authorized the County Administrator or designee to execute future doctoral psychology intern contracts on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. The contracts span two fiscal years. Sufficient funding is included in the current budget and in the proposed FY2021 budget to meet the County obligations. Countywide (HH)

2. **Staff recommends motion to approve:**

**A)** a contract for Consulting/Professional Services with Julia Dyckman Andrus Memorial, Inc. (d/b/a ANDRUS Sanctuary Institute) (ANDRUS), for recertification of the Palm Beach County Youth Services Department's (YSD) Highridge Family Center as a trauma informed care provider, as well as certification for all of YSD using the Sanctuary® Model (Model) in the amount of \$123,630, from August 3, 2020, through September 30, 2022; and

**B)** a budget transfer of \$58,900 in the General Fund from the Head Start Match reallocation (Unit 1451) to Youth Services Department's Highridge Family Center for new evidence-based/promising programming to Trauma Informed Care (Unit 2900) to fund the cost associated with the contract.

**SUMMARY:** In 2016, the Highridge Family Center (Highridge) adopted a trauma-informed standard of care based on prevailing research on the effects of Adverse Childhood Experiences (ACEs) on developing brains. ANDRUS assisted YSD with the implementation of this approach through consultation, training and evaluation. In May 2019, after the three-year process, Highridge became formally certified by the Sanctuary Institute in the Trauma Informed Care Model. This contract provides for approximately a 2.5 year implementation process to provide trauma-responsive practice throughout all of YSD, and the recertification of Highridge to continue as a trauma informed care provider. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. OFFICE OF EQUAL OPPORTUNITY

1. **Staff recommends motion to approve:** the reappointment of Jefferson Grant as an At-Large member to the Fair Housing/Equal Employment Board (FH/EE Board) for a term beginning on July 14, 2020 through September 30, 2023.

<u>Reappoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Jefferson Grant	9	PBC Resident	Commissioner Bernard Commissioner Berger	7/14/20-9/30/23

**SUMMARY:** The FH/EE Board is comprised of nine members consisting of seven district appointments and two at large members. Jefferson Grant is an At-Large member of the FH/EE Board. He was appointed to the board on May 15, 2018. Mr. Grant has expressed an interest in reappointment and has met the attendance requirement during his current term. The FH/EE Board serves as a quasi-judicial body empowered to hear and decide upon the merits of employment and housing discrimination complaints investigated by the Office of Equal Opportunity. The board’s nine seats are currently filled. The diversity count including this reappointment is Caucasian: 6 (67%) and African-American: 3 (33%). The gender ratio (female: male) is 1:8. This nominee is an African-American male. Countywide (DO)

2. **Staff recommends motion to:**
  - A) **approve** an Amendment of Solicitation/Modification of Contract (Contract No. 45310018C0053P00002) with the U. S. Equal Employment Opportunity Commission (EEOC) in the total amount of \$77,000 as payment for processing and resolving employment discrimination complaints;
  - B) **approve** a net upward budget amendment of \$3,000 in the General Fund to adjust the budget to the actual contract; and
  - C) **receive and file** the FY 2020 Worksharing Agreement with the U.S. Equal Employment Opportunity Commission (EEOC).

**SUMMARY:** Execution of the documents are required so that Office of Equal Opportunity (OEO) can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. Contract No. 45310018C0053P00002 is for FY 2019 – 2020 and is in the amount of \$77,000 (\$71,200 for charge processing; \$3,200 for intake services; \$1,600 for attendance at EEOC sponsored annual training and \$1,000 for Fair Employment Practices Agencies engagement funding). The Worksharing Agreement is designed to provide individuals with an efficient procedure for obtaining redress for their grievances under Palm Beach County’s Equal Employment Ordinance and Federal laws. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract with the EEOC. On November 26, 1996, the Board of County Commissioners approved staff’s recommendation that future Worksharing Agreements be executed by the County Administrator, or designee, because of the recurring time constraints involved in this process. Pursuant to Countywide PPM-CW-O-051, the document is now being submitted to the BCC to receive and file. No County funds are required. Countywide (DO)

3. CONSENT AGENDA APPROVAL

CC. OFFICE OF EQUAL OPPORTUNITY (Cont'd)

3. Staff recommends motion to receive and file: the 2020 Addendum to the Memorandum of Understanding (Addendum) with the Department of Housing and Urban Development (HUD) retroactive to March 23, 2020. **SUMMARY:** The Addendum addresses the work sharing relationship in effect between OEO and HUD regarding the processing and referral of complaints of housing discrimination. The Memorandum of Understanding (MOU) between HUD and OEO expired on April 17, 2013. The most recent Addendum between OEO and HUD was executed on February 12, 2015, and extended certification until February 12, 2020. The purpose of the Addendum is to renew and extend the original MOU (including all subsequent addenda) between HUD and OEO for five years from the date signed by all appropriate signatories. On November 17, 2015, the Board of County Commissioners delegated authority to the County Administrator or designee, OEO Director, to sign renewals and extensions of the MOU with HUD that do not change the scope of work or terms and conditions. Countywide (DO)

DD. TOURIST DEVELOPMENT COUNCIL

1. ~~Staff recommends motion to receive and file: amendments to the Board of County Commissioner Grant Agreements administered by the Cultural Council For Palm Beach County, Inc. (Cultural Council) reducing the amount of grant awards for Category "B" and some Category "CII" award recipients due to the decline in TDT (Tourist Development Tax- Bed Tax) collections caused by COVID-19 pandemic.~~  
Staff recommends motion to:

A) receive and file amendments to the Board of County Commissioner Grant Agreements administered by the Cultural Council for of Palm Beach County, Inc. d.b.a. Cultural Council for Palm Beach County, (Cultural Council), reducing the amount of grant awards for all 21 Category "B" and 5 Category "CII" award recipients due to the decline in Tourist Development Tax-Bed Tax (TDT) collections caused by COVID-19 pandemic; and

B) approve a budget amendment in the Cultural Council fund 1455, line item 8201 in the amount of (\$1,349,338).

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiative Department as a receive and file agenda item. The amendments have been fully executed on behalf of the Board of County Commissioners (BCC) by the TDC Executive Director as deleted by the BCC. The Executive Director of the Tourist Development Council in conjunction with the President and CEO of the Cultural Council has amended 21 Category "B" and 5 Category "CII" grant agreements to reflect a reduction in their respective grant awards as allowed by their agreements with Palm Beach County. This reduction corresponds with the loss of bed tax revenues projected for FY2020. Grant Funding was originally set at for Category B Grants \$4,295,200.00 is reduced to \$2,958,488.00 \$2,998,488; and Category CII Grants of \$530,400 is reduced to \$477,744. Countywide (DC)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL (Cont'd)

- 2. ~~Staff recommends motion to approve: A) a third amendment to the agreement dated October 17, 2017, with Discover Palm Beach County, Inc., d.b.a Discover The Palm Beaches (R2017-1633 as amended) reducing the contract by \$4,403,084 for a new contract amount of \$14,504,289; B) a third amendment to the agreement dated October 17, 2017, with the Cultural Council of Palm Beach County, Inc. (R2017-1632 as amended) reducing the contract by \$1,517,762 for a new contract amount of \$2,253,935; C) a third amendment to the agreement with the Palm Beach County Sports Commission, Inc. (R2017-1634 as amended) reducing the contract by \$463,664 for a new contract amount of \$2,123,836; and D) a third amendment to the agreement with the Palm Beach County Film & Television Commission, Inc. (R2017-1635 as amended) reducing the contract by \$381,144 for a new contract amount of \$1,335,000.~~

Staff recommends motion to approve:

A) Approve Amendments to the Agreements dated October 17, 2017, as defined under the Tourist Development Ordinance 95-30 of Palm Beach County for the following categories of use: (A) Discover Palm Beach County, Inc., d.b.a Discover The Palm Beaches (Discover) (R2019-1486); (B) the Cultural Council of Palm Beach County, Inc.,d.b.a The Cultural Council For Palm Beach County (Cultural)(R2019-1485); (C) the Palm Beach County Sports Commission, Inc. (Sports)(R2019-1488); (D) the Palm Beach County Film & Television Commission, Inc. (Film) (R2019-1487) to reduce contracted FY2020 operating budgets;

B) Approve a budget amendment in the Tourism Promotion fund 1454 in the amount of \$6,000,000

C) Approve a budget amendment in the Cultural Council fund 1455 in the amount of \$631,570;

D) Approve a budget amendment in the Sports Commission fund 1457 in the amount of \$333,496; and

E) Approve a budget amendment in Film & Television fund 1451 in the amount of \$465,000.

Prior to the COVID-19 outbreak, Fiscal Year 2020 was on target to exceed the 4% budgeted growth in bed tax revenues approved by the TDC over the prior year. The Tourist Development Council lost revenue impact compared to Budget is expected to exceed (\$20) million for a (33%) decline in bed tax revenues for this Fiscal Year. The requested budget amendments will reduce expected tourist development tax revenues and budget appropriations to these agencies.

**SUMMARY:** ~~These The Third amendments (“Amendments”) to County’s agreements with these four “TDC agencies” adjust for reduce operating budgets reflecting a projected (33%) reduction in bed tax collections impacting the 2<sup>nd</sup>, 3<sup>rd</sup>,5<sup>th</sup> and 6<sup>th</sup> Cents of the Tourism Local Option Tax due to the COVID-19 pandemic. The Tourist Development Council lost revenue impact compared to Budget is expected to exceed (\$20) million for a (33%) decline in bed tax revenues for this Fiscal Year. These amended agreements will be supplemented by additional marketing stimulus presented as a separate agenda item to execute a Palm Beach County Tourism Marketing Recovery Plan over the next eighteen (18) months. These Marketing Agencies would receive this proposed additional funding to begin a multi-year marketing campaign executed by all TDC Agencies to promote Palm Beach County tourism. These marketing recovery campaigns will be closely monitored and measured using Key Performance Indicators (KPI) to ensure these funds are being expended in a responsible manner. Countywide (DC)~~

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JULY 14, 2020

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A) [COVID-19 Update by Dr. Alonso and County Staff](#)

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5. PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)

A. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

**A) approve** the Five Year Road Program (Program) Findings of Fact (per Article 12.M.3.B of the Unified Land Development Code) with a majority plus one affirmative vote that the delay of the Blue Heron Boulevard and Australian Avenue Intersection Improvements, Blue Heron Boulevard and Congress Avenue Intersection Improvements, Church Street from Limestone Creek Road to W. of Central Boulevard Improvements, Congress Avenue from N. of Northlake Boulevard to Alt A-1-A Roadway Improvements, CR 880 (Old SR 80) over C-51 Canal Bridge Replacement, Palmetto Park Road from E. of Military Trail to I-95 Roadway Improvements and Florida Mango Road from N. of Myrica Road to Summit Boulevard Roadway Improvements, will not result in any link or intersection on the road network operating at greater than the adopted level of service, and no development projects are phased to this construction;

**B) adopt** an ordinance to amend Ordinance No. 85-40, as amended, establishing an amended Five Year Road program (Program); providing for title; purpose; adoption of revised program and revised list of projects; implementation of the program; modification of the program; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date; and

**C) approve** the hiring of professionals to design, appraise and assist in the acquisition of lands, rights-of-way, and easements necessary to undertake the projects identified in the program, as approved herein, including but not limited to the employment of real estate appraisers, engineers, certified public accountants, business damage consultants and experts, and other professionals deemed necessary.

**SUMMARY:** On June 16, 2020, the Board of County Commissioners (BCC) approved this amendment of Ordinance No. 85-40 on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Since the development and adoption of Palm Beach County's (County) program on December 3, 1985, the progress and evolution of current and near term projects have continued to be monitored. Traffic counts, costs and revenues have been updated. The most recent update to the program was December 17, 2019. Revisions are being proposed to modify the program to reflect this updated information. **The Findings of Fact (Item A) require a majority plus one affirmative vote for approval.** ~~A mid-year ordinance amendment with a preliminary reading and a public hearing is required in order to accomplish this (Item B).~~ The approval to hire professionals will facilitate the property acquisitions necessary to accomplish the road goals of the program, as amended herein, for Fiscal Year 2020 through Fiscal Year 2024 ~~(Item B).~~ Countywide (YBH)

5. PUBLIC HEARINGS – 9:30 A.M.

B. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET

1. Staff recommends motion to:

**A)** conduct a public hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution 97-2152 and Resolution 2011-1833; and

**B)** adopt the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment.

**C)** authorize the Mayor to certify the non-ad valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes.

**SUMMARY:** On December 16, 1997 the Board approved Resolution 97-2152, and on November 15, 2011, the Board approved Resolution 2011-1833, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method in Resolution 97-2152 provides for inclusion of water and street improvement project special assessments on the tax bill. The Uniform Method in Resolution 2011-1833 provides for the abatement of nuisance conditions. Placing these accounts on the tax bill reduces administrative (including collections) costs and provides for a more efficient collection of amounts due to the County. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2020 tax bill. Countywide (DB)

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6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to receive and file: the presentation of the 2020 State Legislative Session final report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2020 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (CK)

B. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to approve: a First Amendment to Lease with RREEF America REIT II Corp. S (RREEF) for the continued use of 76,603 square feet of warehouse and office space located at 7835 Byron Drive Unit 1, Riviera Beach, for the Supervisor of Elections (SOE) support, operations and election day vote tabulation use, for an extended term of 30 months, commencing on June 22, 2021 and extending until December 31, 2023 at an annual rent rate of \$593,673.25 (\$7.75/sf). **SUMMARY:** The County has leased 76,603 sf of warehouse and office space for the SOE from RREEF since 2009 (R2009-1211 and R2015-1342). The current Lease will expire on June 21, 2021 and there is one option to extend for two years until June 21, 2023. It is necessary to make arrangements for extension of this lease at this time in order to provide sufficient time to complete construction of a permanent facility at the County's Cherry Road complex. This First Amendment to Lease will continue SOE's occupancy for an additional 30 months until December 31, 2023. The annual rent for this extended term will increase by 5.87% from \$560,733.96 to \$593,673.25, subject to 3% annual increases. SOE will continue to be responsible for its share of taxes and expenses for the leased premises. (PREM) Countywide (HJF)

2. Staff recommends motion to approve:

**A)** an agreement for Purchase and Sale (Agreement) with Stephanie Iderosa to acquire a .34 acre parcel improved with a 1,344 square foot home located at 1759 East Main Street, Pahokee, Florida, for \$25,000; and

**B)** a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement.

**SUMMARY:** In August, 2019, the County acquired title by foreclosure to a 2.49 acre parcel located at 1749 East Main Street No. 101, Pahokee, upon which a 42 unit apartment complex had been developed. On June 2, 2020, the Board approved allocating up to \$5,000,000 of CARES Act funding for renovating the 42 unit facility. Stephanie Iderosa owns a single family home which bisects the property. Acquisition of Ms. Iderosa's property will facilitate redevelopment of the County's property. She has agreed to sell her property for \$25,000. The Property Appraisers' assessed value of Ms. Iderosa's property is \$62,174. Funding for the project will be from the Public Building Improvement Fund. Pursuant to the PREM Ordinance, an appraisal is not required for purchase of a property for \$25,000 or less. The agreement with Stephanie Iderosa provides the County the right to terminate the agreement at any time prior to closing in the event that the results of due diligence are unsatisfactory. **Pursuant to the PREM Ordinance, all purchases must be approved by a supermajority vote (5 Commissioners).** (PREM) District 6 (HJF)

6. REGULAR AGENDA

C. COMMUNITY SERVICES

1. **Staff requests motion to approve:** recommended allocations for continuation of current funding in the Behavioral Health, Homelessness and Domestic Violence/ Sheltering, Economic Stability/Poverty, Senior Services categories and non-competitive service categories under the Financially Assisted Agencies (FAA) Program, for the period October 1, 2020 through September 30, 2021, in a total amount not to exceed \$12,976,690. **SUMMARY:** This item provides the recommended FY 2021 funding allocations for the FAA Program. The FAA recommendations reflect the extension of all existing contracts due to the postponement of a notice of funding opportunity process for FY 2021 funding to allow for a broader review of the Behavioral Health system. All proposed allocations in the FAA program are based on the expiring year's funding. The total amount of funding requested is \$12,976,690. Funding for these allocations is included in the County Administrator's proposed FY 2021 budget and is subject to approval by the Board of County Commissioners in September 2020. (Financially Assisted Agencies) Countywide (HH)

D. HOUSING AND ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to adopt:** a resolution approving the Palm Beach County Consolidated Plan for Fiscal Years 2020 - 2024; approving the Palm Beach County Action Plan for Fiscal Year 2020 - 2021; and authorizing the County Administrator or designee to execute Standard Forms 424 and Certifications for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs, and funding agreements, amendments thereto, and all other documents necessary for implementation of Consolidated Plan, Action Plan, CDBG, HOME, and ESG activities. **SUMMARY:** The Consolidated Plan identifies priority needs, goals, and expected resources for the CDBG, HOME, and ESG Programs for the 2020 - 2024 period, and includes a Citizen Participation Plan, Residential Anti-Displacement and Relocation Assistance Plan, and Analysis of Impediments to Fair Housing Choice. The Action Plan allocates FY 2020-2021 program funding as follows: \$6,689,932 in CDBG funds plus program income of \$10,000 (Attachment 4), \$2,391,052 in HOME funds, and \$562,941 in ESG funds. The Consolidated Plan and the Action Plan are consistent with Board of County Commissioners' (BCC) direction on priority needs and funding strategies from the May 19, 2020, workshop (Item 4D). A summary of the draft Plans and notice of this meeting were published on June 14, 2020, posted on the department website, and sent electronically to all known interested parties. A public meeting to obtain citizen input on the Plans was held on June 23, 2020, with video and telephone access for remote participation. A summary of the citizen participation process and public comments is provided. Any revisions directed by the BCC today will be incorporated into the Plans before submittal to the U.S. Department of Housing and Urban Development. CDBG funds require no local match. The HOME required local match (\$508,099) will be provided from the State Housing Initiatives Partnership Program. The ESG required local match (\$562,941) will be provided by the four ESG-funded agencies, the Department of Community Services, and the Department of Housing and Economic Sustainability (HES). This agenda Item will approve a total of \$9,653,925 in federal funding. Countywide (HJF)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to adopt: a resolution of the Board of County Commissioners of Palm Beach County, Florida, approving a plan of finance concerning the issuance by the Palm Beach County Health Facilities Authority of its Revenue Bonds (Toby & Leon Cooperman Sinai Residences of Boca Raton Phase II), in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$185,000,000 for the purpose of financing the costs of the project, funding a debt service reserve fund, if any, paying capitalized interest, if any, and paying certain expenses incurred in connection with the issuance of the bonds. **SUMMARY:** Federation CCRC Operations Corp., a Florida non-profit corporation (Borrower) requests the Palm Beach County Health Facilities Authority (Authority) issue tax-exempt Revenue Bonds (Bonds) in an amount not to exceed \$185,000,000, pursuant to a TEFRA public hearing held on June 29, 2020. The bonds are to be issued by the Authority for the purpose of providing funds to the Borrower to: **(i)** acquire, construct, and equip the Phase II expansion of the Toby & Leon Cooperman Sinai Residences of Boca Raton; **(ii)** fund a debt service reserve fund, if any; **(iii)** pay capitalized interest on the Bonds, if any; and **(iv)** pay certain expenses incurred in connection with the issuance of the Bonds. The Toby & Leon Cooperman Sinai Residences of Boca Raton is a continuing care retirement community located on 4.6 acres of land at 21050 95<sup>th</sup> Avenue South in Boca Raton. It is owned and operated by the Borrower. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 5 (DB)

E. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners, Palm Beach County, Florida repealing and replacing Resolution No. R2019-1057; expanding the use of Victims of Crime Emergency Support Fund. **SUMMARY:** Palm Beach County Victims of Crime Emergency Support Fund (the Victim Fund), is funded by private donations, lawfully mandated fines and penalties and revenue received from a DUI Diversion Program operated by the Office of the State Attorney. The fund currently has a balance of \$720,586 and increases by approximately \$100,000 each year. In October 2016, the County was selected as a demonstration site and received grant funding in the amount of \$579,965 from the US Department of Justice to develop and institutionalize a multi-disciplinary coordinated approach to respond to deaths involving DUI or Impaired Driving and meet the needs of survivors/victims through trauma informed and victim-centered approaches. The grant funds a DUI Project Coordinator position to organize and coordinate the implementation of the multi-disciplinary response team, ensuring site and agency performance of, compliance with and fidelity to the team, and coordinating the work and products of partner organizations. Additionally, the position provides direct services to survivors/victims of homicide including crisis intervention, supportive counseling, accompaniment, and other advocacy assistance. The funding for this grant expires September 30, 2020. Since funds from the DUI Diversion program support the Victim Fund and the State Attorney for the 15<sup>th</sup> Judicial Circuit of Palm Beach County supports the intended use of the revenue, it is being requested to expand the use of the Victim Fund to support the annual salary of an existing DUI Project Coordinator position to continue the enhanced response to DUI/Impaired Driving Related Deaths Program. Countywide (JW)

6. REGULAR AGENDA

F. TOURIST DEVELOPMENT COUNCIL

1. [Staff recommends motion to approve on preliminary reading and permission to advertise for Public Hearing on Tuesday, August 25, 2020, at 9:30 a.m.:](#) an ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 17-116 of the Code of Laws and Ordinances (Ordinance 95-30, as amended) known as the “Tourist Development Tax Ordinance”; adding Subsection 17-116(b)(3) titled “Fiscal Year 2020 Special Allocation for Marketing” to Section 17-116 of the Tourist Development Plan; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** This ordinance amendment establishes a fiscal year 2020 stimulus fund by reducing the 18.49% fiscal year 2020 tax allocation percentage for the Category C — Beach Improvement, maintenance, renourishment, restoration and erosion control category to 10.04% and transferring the remaining 8.45% in the amount of two million dollars to the Category “E” Special Projects category. The special projects additional funds will be used to create a fiscal year 2020 Stimulus fund for marketing county tourism. **The adoption of this ordinance requires an affirmative vote of the majority of the Board plus one pursuant to Florida Statute. Countywide (LDC)**

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JULY 14, 2020

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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**JULY 14, 2020**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JULY 14, 2020**

**9. COMMISSIONER COMMENTS**

**District 1 – COMMISSIONER HAL R. VALECHE**

**District 2 – COMMISSIONER GREGG K. WEISS**

**District 3 – COMMISSIONER DAVE KERNER**

**District 4 – COMMISSIONER ROBERT S. WEINROTH**

**District 5 - COMMISSIONER MARY LOU BERGER**

**District 6 - COMMISSIONER MELISSA MCKINLAY**

**District 7 – COMMISSIONER MACK BERNARD**

**JULY 14, 2020**

**10. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."