

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**APRIL 7, 2020**

<u>PAGE</u>	<u>ITEM</u>	
24	5D-3	<p><b>REVISED MOTION AND SUMMARY:</b> <del>Staff recommends motion to authorize: the County Administrator or designee, which in this case shall be the Director Facilities Development &amp; Operations, to approve renewal amendments for three continuing contracts to provide mechanical, electrical, plumbing (MEP) engineering services for various capital improvement projects which will extend the term of the contracts to December 22, 2020:</del> <b>A) certify</b> that the on-going COVID19 crisis constitutes a valid public emergency; and <b>B) authorize</b> the County Administrator or designee, which in this case shall be the Director Facilities Development &amp; Operations, to emergency renewal to approve emergency renewal amendments for three continuing contracts to provide mechanical, electrical, plumbing (MEP) engineering services for various capital improvement projects, which will extend the term of the contracts to December 22, 2020: 1) Gartek Engineering Corporation (Gartek) (R2015-0777; Renewals: R2017-0892, R2018-0849, R2019-1328) MBE/Local 96.26% SBE participation to date; 2) Johnson, Levinson, Ragan, Davila, Inc. (JLRD) (R2015-0779; Renewals: R2017-0893, R2018-0850, R2019-1329), SBE/Local 96.94% SBE participation to date; and 3) RGD &amp; Associates, Inc. dba RGD Consulting Engineers (RGD) (R2015-0778; Renewals: R2017-0894, R2018-0851, R2019-1330), SBE/Local, 93.5% SBE participation to date. <b>SUMMARY:</b> On June 23, 2015, the Board of County Commissioners (BCC) approved continuing services contracts for MEP engineering services with Gartek, JLRD, and RGD for a two year term with three one year renewals. These continuing MEP engineering contracts are set to expire on June 22, 2020. The Department has advertised for new continuing MEP engineering contracts. Due to the ongoing COVID19 crisis, the Department needs time to develop new logistical procedures for conducting selection committee meetings while maintaining social distancing and there may be other delays throughout the selection process which may cause a delay in getting the new continuing MEP engineering contracts to the BCC before the existing contracts expire. At this time, staff believes that extending the continuing MEP engineering contracts of Gartek, JLRD and RGD best serves the interests, health, safety, and welfare of the County and its citizens. . <u>Section 287.055, Florida Statutes known as the Consultants' Competitive Negotiation Act (CCNA) governs the procurement of architectural, professional engineering, landscape architecture and registered survey and mapping services in Florida. Procurement of such services are exempted from the standard public announcement and qualification procedures of the CCNA where a valid public emergency is certified by the agency head. The Board's certification of a valid public emergency allows for the emergency extension of these agreements in accordance with the CCNA.</u> Accordingly, staff is requesting authority to execute renewal amendments with Gartek, JLRD, and RGD to extend their continuing contracts for six months until December 22, 2020. The firms under this existing MEP Engineering contract were selected under the County's prior SBE program where a 15% SBE goal applied. Over the preceding five years, the firms have averaged 95% SBE participation. The Office of Equal Business Opportunity has reviewed and approved this renewal request.</p>
25	5D-4	<p><b>REVISED SUMMARY:</b> Foundation and Protea will also enter into a unity of control which requires that the development be in accordance with the site plan approved by the Foundation. Protea is requesting the deed restrictions be further modified to: i) remove the requirement that the Property remain owned by a not for profit entity; ii) approve the conveyance of the foreclosed property to Protea Senior Living Boca Raton, LLC; iii) <u>approve Protea's request to mortgage the property to secure financing for development of the senior living facility;</u> iv) clarify that assisted living services will be furnished at the facility together with memory care services; and iv) upon receipt of a Certificate of Occupancy for Protea's ALF, the County's approval rights for future conveyance or encumbrance of the foreclosed property shall terminate. (FDO)</p>

**ADD-ON: Staff recommends motion to approve: A)** a contract for Provision of Services with Gulfstream Goodwill Industries, Inc. (GGI), for a one year period starting upon the execution of the contract upon board approval, to provide emergency shelter to homeless individuals; **B)** a budget transfer of \$3,229,428 from contingency reserves to appropriate funding to Community Services, Facilities Development and Operations, and Parks and Recreation; **C)** a budget amendment of \$958,736 to establish budget in the Capital Outlay Fund and; **D)** nine full-time equivalent positions, which include five Case Managers II (Pay Grade 25), two Case Manager Trainees (Pay Grade 19), one General Maintenance Mechanic (Pay Grade 16) and one Housing Specialist (Pay Grade 22). **SUMMARY:** On February 25, 2020, the Board of County Commissioners approved the Sheltering and Housing Strategy Annex to Leading the Way Home – Palm Beach County’s Plan to End the Cycle of Homelessness. This strategy serves as an annex or supplement to Leading the Way Home - Palm Beach County’s Plan to End the Cycle of Homelessness plan (Leading the Way Home). The facility will mirror The Senator Philip D. Lewis Center (The Lewis Center) in that assessments, intake, placement, and law enforcement drop-offs will be coordinated in the same efficient and effective manner that currently prevails at The Lewis Center. Persons residing in public places such as parks, office buildings and places not meant for human habitation will be offered services at the facility, once assessments are completed. Individuals in need of transportation to the facility will be transported via the Homeless Outreach Team (HOT) transport, designated bus assignments, and/or transportation vouchers. Palm Beach County Sheriff’s deputies will also be authorized to provide transport after clearance by shelter management. No other law enforcement drop-offs will be permitted. The estimated number of emergency shelter beds will be 100-125. Each occupant will have access to a hot meal, showers, amenity boxes, lockers and social services that are employment and housing focused. The contract with GGI includes an advance one-time payment of \$138,546 for startup costs to GGI in accordance with Palm Beach County Administrative Code Rule 305.02. The budget amendment in the Capital Outlay fund represents a 20% increase from the plan presented on February 25, 2020 due to: 1) all furniture and equipment being included, and 2) additional softening requirements; both at the request of GGI. Out of the one-time \$958,736, \$520,337 of the costs will be re-usable, or otherwise would be expended. (Division of Human and Veteran Services) Countywide (HH)

**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**

**APRIL 7, 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 5-18)**
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- 3F-6 Receive and file registration for distribution of literature or picketing at the Palm Beach International Airport to South Florida Public Witnessing, Inc.
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**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 29)

**ADJOURNMENT** (Page 30)

3. CONSENT AGENDA APPROVAL

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:

Meeting Type	Meeting Date
Zoning	October 24, 2019
Comprehensive Plan	October 28, 2019

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during July 2018. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Work Order 2018051-100 in the amount of \$425,000 to mill and resurface Congress Avenue from Belvedere Road to Okeechobee 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 improvement. Prior to this work order, approximately \$18 million of Ranger’s \$31.4 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 applicable 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 current contract term. 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. Districts 2 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to adopt: a resolution repealing and replacing Resolution No. R87-1071, delegating authority to the County Administrator or designee to accept right-of-way related instruments, and authorize payments when consideration for such instruments are at or below the appraised value. **SUMMARY:** Adopting this resolution will authorize the County Administrator or designee to accept Warranty Deeds, Special Warranty Deeds, Quit Claim Deeds, Drainage Easements, Embankment Easements, Limited Access Easements, Line-of-Sight Easements, Pathway Easements, Permanent Easements, Relocatable Drainage Easements, Right-of-Way Easements, Sidewalk Easements, Signal Easements, Temporary Construction Easements and Removal Agreements (collectively Instruments), associated with a right-of-way conveyance, and authorize payments for such conveyances when the consideration is at or below the appraised value. Repealing and replacing R87-1071 changes the original delegated authority and specifies the various types of instruments to be accepted. **In accordance with Palm Beach County Ordinance (2019-038), a supermajority vote (5 votes) is required by the Board of County Commissioners for this delegation of authority as it involves fee simple real property.** Countywide (YBH)
  
3. Staff recommends motion to approve: a contract with HNTB Corporation (HNTB), in the amount of \$297,673.02 for professional engineering services for the Palm Beach Lakes Boulevard over the Florida East Coast (FEC) railroad project. **SUMMARY:** Approval of this contract will provide the professional services necessary for the preparation of design plans and construction bid documents for the project. The project will widen and rehabilitate the existing bridge over the FEC railroad to include sidewalk, bike lanes, new drainage and new bridge railings. The selection process for design professionals began in 2018, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance in place at the time with final selection taking place on January 15, 2019. The SBE goal for all contracts was 15%. The SBE participation committed for the project by HNTB is 36.5% overall. HNTB is a Palm Beach County company. **This project is funded by the infrastructure sales tax.** District 7 (YBH)
  
4. Staff recommends motion to approve:
  - A) a partial release of a permanent easement at the NE corner of Kirk Road and Park Lane as recorded in Official Record Book 25062, Page 1650; and
  
  - B) an interlocal agreement (Agreement) with the Village of Palm Springs (Village) for joint funding of drainage improvements for Foxtail Palm Park.

**SUMMARY:** On January 24, 2012, Palm Beach County (County) conveyed a parcel of land (Parcel) to the Village. However, a permanent easement for future roadway purposes (Original Easement) was retained by the County over the parcel. The Village received Florida Recreation Development Assistance Program (FRDAP) and Community Development Block Grant Program funding for the development of a neighborhood park on the parcel. A requirement of the FRDAP is that land being developed with the use of FRDAP funds shall be dedicated in perpetuity as an outdoor recreation site, for the use and benefit of the general public. In order to meet this requirement, the Village has requested that the County release a portion of the original easement from the parcel. The partial release of the original easement will allow the Village to comply with the funding requirements for the outdoor recreation site. The County has agreed to this request, but will retain enough of the permanent easement to allow the County to perform the future road and drainage improvements. Approval of the agreement will allow the County to contribute to the Village up to a maximum amount of \$113,350 toward design, permitting, and construction of drainage improvements (consisting of culverts, inlets, and additional excavation and shaping of a pond for Kirk Road) as part of the Foxtail Palm Park project. District 3 (YBH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. [Staff recommends motion to approve:](#) the appointments of two new members to the Homeless Advisory Board (HAB), effective April 7, 2020:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>	<u>Term Expires</u>
6	Steven Tillman	Veterans Administration Medical Center Representative	Veterans Administration Medical Center	09/30/20
12	Carol Jones-Gilbert	Housing Authority Representative	Community Services Department	09/30/23

**SUMMARY:** On May 1, 2007, the Board of County Commissioners established the HAB. The total membership for the HAB shall be no more than 14 at-large members, per Resolution No. R2016-0038, comprised of members representing government, business providers, law enforcement, advocates, education, faith-based and the formerly homeless. Members representing the Continuum of Care and the homeless community are essential to the work of this board. Mr. Tillman will complete the unexpired term for Ms. Donna Katen-Bahensky. The diversity count for the ten seats that are currently filled is African-American: 5 (50%), Caucasian: 4 (40%) and Native-American: 1 (10%). The gender ratio (female:male) is 6:4. Mr. Tillman is Caucasian and Ms. Jones-Gilbert is African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Division of Human and Veteran Services) Countywide (HH)

2. [Staff recommends motion to approve:](#) the appointment of one new member to the Farmworker Program Advisory Board, effective April 7, 2020:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
2	Regina Bohlen	Public Sector	09/30/21	Mayor Kerner Vice Mayor Weinroth Comm. Bernard Comm. McKinlay

**SUMMARY:** The total membership for the Farmworker Program Advisory Board shall be no more than nine at-large members, per Resolution No. R2014-0402, comprised of students, representatives of business, education, agencies, and farmworker representatives. Members shall be concerned citizens who understand the problems encountered by farmworkers and are willing to be advocates for them. At least one member shall represent the regional workforce agency. Ms. Bohlen meets all applicable guidelines and requirements outlined in the resolution adopted by the Board of County Commissioners on April 1, 2014. The diversity count for the eight seats that are currently filled is: African-American: 4 (50%), Caucasian: 3 (38%), and Hispanic-American: 1 (12%). The gender ratio (female: male) is 5:3. Ms. Bohlen is Caucasian. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Farmworker Career Development Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

**A) ratify** the signature of the Mayor on the Amendment to the 2018 Continuum of Care Program Grant Agreement No. FL0281L4D051811 with the U.S. Department of Housing and Urban Development (HUD) and The Jerome Golden Center for Behavioral Health, Inc. (Jerome Golden), for the period November 1, 2019 through May 31, 2020, in an amount not-to-exceed \$301,495, to change the grant recipient from Jerome Golden to the Palm Beach County Board of County Commissioners; and

**B) approve** a budget amendment of \$301,495 in the HUD-Housing and Urban Development Fund to align the FY 2020 budget with the actual grant award.

**SUMMARY:** The Division of Human and Veteran Services (DHVS), the lead entity for the Homeless Continuum of Care, requested the grant amendment from HUD after Jerome Golden announced the agency closure. The grant amendment changed the grant recipient from Jerome Golden to the Palm Beach County Board of County Commissioners. The original amount awarded to Jerome Golden was \$458,973. This grant amendment awards Palm Beach County Board of County Commissioners the remaining balance of \$301,495. The grant amendment allows DHVS to provide continued case management, permanent supportive housing subsidies, utility assistance, Homeless Management Information System administration and general administrative costs for the 32 chronically homeless residents that reside in scattered site housing throughout the county. The DHVS will provide services until May 31, 2020. The grant amendment is not renewable. On June 1, 2020, the residents who are currently receiving services will receive continued housing subsidies through the HOME Tenet-Based Rental Assistance Program funded by HUD, for up to 24 months. Case management services will be provided by Community Services Department staff. The emergency signature process was utilized because there was not sufficient time to submit the grant amendment through the regular agenda process. **No County match is required.** (Division of Human and Veteran Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **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>
26	Richardo Antonio Jackson	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. Mr. Jackson 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. Mr. Jackson will complete the unexpired term for Ms. Latonia Cox. Mr. Jackson is an employee of Monarch Health Services, Inc., which contracts with the County for services. The HIV CARE 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 Code of Ethics. The diversity count for the 22 seats that are currently filled is: Caucasian: 9 (41%), African-American: 8 (36%), Hispanic-American: 4 (18%) and Asian-American: 1 (5%). The gender ratio (female: male) is 14:8. Mr. Jackson 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)

F. AIRPORTS

1. **Staff recommends motion to receive and file:** Palm Beach International Airport (PBI) Operating Permit (Operating Permit) with Aerovias de Mexico, S.A. de C.V. d/b/a Aeromexico (Aeromexico), a foreign for-profit corporation, commencing February 24, 2020 and terminating February 24, 2020, for payment of \$1,311.04. **SUMMARY:** The Operating Permit enables Aeromexico to use certain airport facilities on a short term basis for specific flight operations. Aeromexico used the terminal for one flight operation on February 24, 2020. Delegation of authority for execution of the standard County PBI Operating Permit was approved by the Board in R2014-1709. Countywide (AH)
2. **Staff recommends motion to receive and file:** Palm Beach International Airport (PBI) Operating Permit (Operating Permit) with Elite Airways, LLC (Elite), a foreign limited liability company, commencing February 27, 2020 and terminating March 1, 2020, for payment of \$988.91. **SUMMARY:** The Operating Permit enables Elite to use certain airport facilities on a short term basis for specific flight operations. Elite had flight operations on February 27, 2020 and March 1, 2020. Delegation of authority for execution of the standard County PBI Operating Permit was approved by the Board in R2014-1709. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to receive and file:** Consent to Sublease (Consent), consenting to the sublease of office space by Jet Aviation Associates, Ltd. (Jet Aviation) to Shoreline Aviation, at the Palm Beach International Airport (PBI) effective August 1, 2018. **SUMMARY:** Jet Aviation provides fixed base operator services at PBI pursuant to a lease agreement dated November 23, 1999 (R99-2239, as amended). The lease agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)
4. **Staff recommends motion to receive and file:** Consent to Sublease (Consent), consenting to the sublease of office and hangar space by Atlantic Aviation – West Palm Beach LLC d/b/a Atlantic Aviation PBI (Atlantic) to Carrier Corporation, at the Palm Beach International Airport (PBI) effective January 1, 2020. **SUMMARY:** Atlantic provides fixed based operator services for general aviation aircraft at PBI pursuant to a lease agreement dated October 18, 2000 (R2000-1067, as amended). The lease agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)
5. **Staff recommends motion to receive and file:** Second Amendment to Signatory Airline Agreement with JetBlue Airways Corporation (JetBlue), adding additional space to JetBlue's leasehold at the Palm Beach International Airport (PBI) terminal building, effective March 1, 2020, for payment of additional rent in the initial amount of \$95,044.12 per year. **SUMMARY:** The Second Amendment adds 1,724 square feet of associated space in the operations area to JetBlue's leasehold, effective March 1, 2020. Delegation of authority to agree to modifications of an airline's leasehold premises, as provided in this Second Amendment, was approved by the Board in R2019-1155. Countywide (AH)
6. **Staff recommends motion to receive and file:** Registration for Distribution of Literature or Picketing (Registration) at the Palm Beach International Airport (PBI) issued to South Florida Public Witnessing, Inc. (SFPW), authorizing its members to distribute literature at PBI, effective February 6, 2020 and expiring February 6, 2021, at no cost. **SUMMARY:** The Registration authorizes designated members of SFPW to distribute literature at PBI, in locations designated by the Department of Airports, in accordance with the Airport Rules and Regulations (R98-220 as amended). A sample of the literature to be distributed is attached to the Registration. The standard form Registration was approved by the Board on October 3, 1995 (R95-1410). Countywide (AH)
7. **Staff recommends motion to receive and file:** Estoppel Certificate dated February 28, 2020 (Certificate) to PNC Bank, National Association, summarizing key terms of the Development Site Lease Agreement with Airport Logistics Park, LLC (ALP) (R2019-0300, as amended) (Lease), in support of ALP's leasehold mortgage, on County-owned land west of the Palm Beach International Airport (PBI). **SUMMARY:** ALP is constructing a new warehouse development pursuant to the Lease. An Estoppel Certificate was previously issued (Agenda Item 3F-4, December 3, 2019); however, the Lease was subsequently amended, which included an updated legal description of the leasehold property (R2020-0017) and PNC Bank requested that it be updated. The Certificate meets the criteria detailed in Section 16.06 of the Lease. Agenda item 3F-10 (March 12, 2019), authorized the Director of the Department of Airports to execute the Certificate on behalf of the County. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

**A)** a budget amendment of \$44,882,333 in the \$41.83M Taxable Revenue Refunding Bonds, Series 2019A debt service fund to budget bond proceeds, refunding bond premium, transfer from the refunded bonds' debt service and debt service reserve funds, costs of issuance, payment to refunding bond escrow agent, and interest expense;

**B)** a budget transfer of \$697,638 in the \$62.7M Public Improvement Revenue Refunding Bond, Series 2011 DS debt service fund to decrease the interest payment and increase the transfer to the Revenue Refunding Bonds, Series 2019A debt service fund; and

**C)** a budget transfer of \$2,068,250 in the \$62.7M Public Improvement Revenue Refunding Bond, Series 2011 DSR debt service reserve fund to decrease the debt service reserve and increase the transfer to the Revenue Refunding Bonds, Series 2019A debt service fund.

**SUMMARY:** On October 22, 2019, the Board authorized the issuance of the Series 2019A Refunding Bonds for a partial refunding of the Public Improvement Revenue Refunding Bonds, Series 2011 through a competitive sale as recommended by the County Financing Committee and the County's Financial Advisors. Through an electronic bid process, the County awarded the sale to FHN Financial. The refunding will save the County approximately \$5.5 million (13.41%) in debt service over the life of the bonds. Countywide (DB)

2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$13,000 for the full satisfaction of a code enforcement lien that was entered against the late Ancelmo Nieves Vera on August 6, 2008. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an order on February 6, 2008, for the property owned by the late Ancelmo Nieves Vera providing him until June 6, 2008 to bring his property located at 5986 Buccaneer Trail, West Palm Beach into full compliance. The property had been cited for accessory structure/addition without required permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against Ancelmo Nieves Vera on August 6, 2008. The Code Enforcement Division issued an Affidavit of Compliance for the property on August 29, 2009 stating that the cited code violations had been fully corrected. The total accrued lien amount through January 24, 2020, the date on which settlement discussions began, totaled \$24,715.03. The heirs of the late Ancelmo Nieves Vera have agreed to pay Palm Beach County \$13,000, (53%) for full settlement of his outstanding code enforcement lien. District 2 (SF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to receive and file:** Change Order No. 4 to Amendment No. 1 to the contract with The Morganti Group, Inc. (R2017-0419) decreasing the contingency for the Palm Tran South Expansion project in the amount of \$49,881.44 with no change to the Guaranteed Maximum Price (GMP) for construction management services and increasing the time of completion by 36 days for a total of 664 days from notice to proceed unless amended by change order. **SUMMARY:** On April 4, 2017, the County and the Construction Manager entered into contract R2017-0419 for construction management at risk services (Contract) for the Palm Tran South Expansion Project No. 13202 (the Project), which Contract is still in full force and effect as supplemented and amended. On March 12, 2019, the County and the Construction Manager entered into Amendment No. 1 (R2019-0377) in the amount of \$22,527,000 using federal funds for the expansion and renovation of the Palm Tran South Facility, which includes the addition of approximately 28,000 sq. ft. of building space consisting of offices, locker rooms, training center for bus operators, ancillary support space, a new 135 vehicle parking lot for employees, and a new bus lift at the existing maintenance building. During excavation of the southeast existing pond, The Morganti Group, Inc. encountered unsuitable soils containing concrete, asphalt, rebar and other miscellaneous building materials. The unsuitable materials were not found during pre-construction soil borings and were unforeseen conditions. In order to remediate the unforeseen site conditions the project completion date is extended by 36 days. The value of the additional site work and additional general conditions costs related to the removal of the unsuitable materials is \$539,881.44. Additional credits for unused GMP line items, which include unused fuel soil remediation, parking access gate control, daily cleaning of site compound, and an unused soil budget is in the amount of \$490,000. Contingency Use Directive No. 4 reduced the construction contingency in the amount of \$49,881.44. The new balance of contingency remaining is \$1,010,897.86. Change Order No. 4 did not change the GMP. The Change Order was fully executed by the Contract Review Committee on February 26, 2020 and is being submitted by the initiating Department as a receive and file agenda item. (Capital Improvements Division) District 7 (LDC)
  
2. **Staff recommends motion to receive and file:** Amendment No. 18 to the continuing construction manager (CM) contract (R2016-0762) with Robling Architecture Construction, Inc. establishing a guaranteed maximum price for the Convention Center Chillers Variable Frequency Drives Replacement project in the amount of \$388,041.72 to be completed in 180 days. **SUMMARY:** On January 7, 2020, via Agenda Item 3H-7, the Board of County Commissioners authorized the County Administrator or designee, which in this case was the Director of Facilities Development and Operations, to execute Amendment No. 18 in an amount not to exceed of \$400,000. Amendment No. 18 authorized the coordination, ordering, purchasing and installation of variable frequency drives for four existing mechanical chillers at the Palm Beach County Convention Center as well as associated preconstruction services. The Amendment was fully executed on behalf of the BCC by the Director of the Facilities Development and Operations Department. In accordance with the County Policy and Procedures Manual PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The CM was selected pursuant to the Small Business Enterprise (SBE) ordinance but this GMP, having been initiated after January 1, 2019, is subject to the requirements of the Equal Business Opportunity Ordinance. The continuing CM contract was presented to the Goal Setting Committee on February 20, 2019 and an Affirmative Procurement Initiative of 20% SBE participation was applied. SBE participation on this Amendment is 9.93%. The CM is an SBE and to date the CM has achieved 38.13% SBE subcontracting participation. The CM is a local business. The funding source is from the Tourist Development Bed Tax revenues. (Capital Improvements Division) Countywide/District 7 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Supplement No. 1 to Consultant Services Authorization (CSA) No. 43 with Gartek Engineering Corporation (Consultant) (R2015-0777) in the amount of \$136,473 to provide design services for the Main Detention Center (MDC) - Generator Enhancement project located at 3228 Gun Club Road West Palm Beach. **SUMMARY:** The County conducted a study to identify the County facilities most critical to continuity of operations after a hurricane and that were not equipped with full building emergency power. Twelve facilities were identified, cost estimates for hardening each were developed, prioritized and placed in the Five Year Capital Improvement Program. First priority was assigned to facilities where a loss of functional building systems pose a safety risk to employees and/or occupants during prolonged power outages. The existing emergency generator at the MDC is not designed to support the electrical load of all building areas and existing equipment and the existing electrical distribution system does not presently incorporate electrical transfer equipment and is dedicated to supply only those emergency loads required by National Electrical Code. CSA No. 43 authorized the review of existing site conditions at the Main Detention Center and development of engineering calculations required prior to the preparation of construction documents. Supplement No. 1 authorizes the preparation of the 100% construction documents, cost estimating, construction procurement support, construction administration and close-out phase services for the redesign of the existing electrical distribution system, construct a new electrical room, and increase the generator emergency power capacity. The prime consultant is a Minority Business Enterprise and will be performing 77.57% of the work. Including subconsultants, 83.29% of the work will be performed by Small Business Enterprise (SBE). To date the overall SBE participation on this contract is 96.58%. The Consultant is a Palm Beach County business. **The funding source for this project is the Infrastructure Sales Tax Fund.** (Capital Improvements Division) Countywide/District 2 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion approve:** Change Order No. 12 to the contract with Hedrick Brothers Construction Co., Inc. (R2017-0164) increasing the Guaranteed Maximum Price for the Main County Courthouse Electronics & Security System Renewal & Replacement Project in the amount of \$184,435. **SUMMARY:** On December 18, 2018, the Board of County Commissioners approved Amendment No. 1 (R2018-2058) to the contract with Hedrick Brothers Construction Company, Inc. (R2017-0164) in the amount of \$13,580,467 for the renewal/replacement of electronics and security systems (Programmable Logic Controllers, Closed Circuit Television surveillance and video management, security management, elevator override control, electronic access control, intercom, lighting control, duress and fire alarm) within the Main County Courthouse, Central Energy Plant, and State Attorney/Public Defender's building). The project also includes the expansion of the Palm Beach Sheriff's Office Command Center. This change order authorizes the construction manager to furnish and install approximately 12 drywall access doors to access areas above ceilings in strategic locations, as well as approximately 138 inspection hatches into the building's Heating Ventilation and Air Conditioning system duct work. This change order supports acceptable project delivery and completion, improves future maintenance, renewal and replacement capabilities and overlaps with other authorized work enabling the County to realize a savings: 1) through concurrent work requirements, 2) in overhead and general conditions costs, 3) with security awareness/training required for construction crews, and 4) by setting performance accountability with a single contractor. The solicitation for the Construction Manager (CM) was advertised according to the Small Business Enterprise (SBE) Ordinance in place at the time, with a 25% SBE goal and CM/SBE partnering incentive of 15%. Hedrick Brothers Construction Co., Inc. is not a certified SBE. The CM has partnered with Cooper Construction Management and Consulting, Inc., a Minority Business Enterprise for services in an amount no less than 15% of the CM fee and is sharing in the overhead/profit earned by the CM. SBE participation for this change order is 3.22%. Including this change order, Hedrick Brothers Construction Co., Inc. overall SBE participation is 32.76%. Hedrick Brothers Construction Co., Inc. is a Palm Beach County Business and it is anticipated that 97% of the work will be performed by Palm Beach County businesses. This project is funded by the Public Building Improvement fund. (Capital Improvements Division) Countywide/District 7 (LDC)
  
5. **Staff recommends motion to receive and file:** Change Order No. 13 to the contract with Kast Construction Company LLC (R2018-1557) for the Fire Rescue Station No. 22 project in the amount of \$43,795.18 for additional site work. **SUMMARY:** On October 16, 2018, the Board of County Commissioners (BCC) approved the contract with Kast Construction Company LLC to construct the Fire Rescue Station No. 22 project No. 16211 in the City of Westlake in the amount of \$4,934,396. With changes to date, the contract value is \$5,066,233.52. In accordance with PPM CW-F-050, when the cumulative value of changes or additional work exceeds the greater of 5% or \$250,000 of the original contract value, an agenda item notifying the Board of County Commissioners (BCC) of the item that puts the cumulative value in the excess category must be presented as a receive and file. This agenda item is being submitted to notify BCC that Change Order No. 13 puts the cumulative value of changes in excess of the \$250,000 threshold established by PPM CW-F-050. The funding source for this project is the Fire Rescue MSTU fund. (Capital Improvements Division) District 7 (LDC)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: the following six documents:

**A)** Certificate of Award for Developer Affordable For-Sale Housing Units (Certificate) to the Community Land Trust of Palm Beach County, Inc. (CLT) under the Impact Fee Affordable Housing Assistance Program (IFAHAP);

**B)** Amendment 003 to the Loan Agreement (R2017-0427) with Neighborhood Renaissance, Inc., under the Neighborhood Stabilization Program 2 (NSP2);

**C)** Second Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Neighborhood Renaissance, Inc., under NSP2;

**D)** First Amendment to Declaration of Restrictions for Rental Properties with Neighborhood Renaissance, Inc., under NSP2;

**E)** Amendment 005 to the Agreement (R2016-0567) with the City of South Bay under the Community Development Block Grant Program (CDBG); and

**F)** Amendment 001 to the Agreement (R2019-1764) with the City of Lake Worth Beach under CDBG.

**SUMMARY:** The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Mayor, the County Administrator or the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 5D-2, 3I-3, 3I-4, and 5A-3, as approved by the BCC on January 15, 2019, May 7, 2016, December 5, 2017, and July 2, 2019, respectively. The Certificate awarded \$16,422 in IFAHAP assistance associated with the construction of two homes on Kirk Road. Amendment 003 with Neighborhood Renaissance, Inc., amends the Loan Agreement (R2017-0427) which provides \$4,016,174 in NSP2 funds for the construction of Mango Cove Apartments, a 36 unit affordable rental project in unincorporated Palm Beach County. The Second Amendment to Mortgage and Security Agreement and the First Amendment to Declaration of Restrictions for Rental Properties with Neighborhood Renaissance, Inc., establish the final amount of the loan. Amendment 005 with the City of South Bay amends the Agreement (R2016-0567) to extend the project completion date and allow for punch list/close-out items to be completed and Amendment 001 with the City of Lake Worth Beach reallocates \$54,678.89 in CDBG funds not used under its previous year's Agreement (R2018-1580) to the current fiscal year's Agreement (R2019-1764) and revises the timeline for project implementation. In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **IFAHAP funds are from interest earned by the Impact Fee Fund. NSP2 program income funds are Federal grant funds which require no local match.** Districts 2, 3 & 6 (HJF)

2. Staff recommends motion to receive and file: a Purchase Agreement for State Tax Credits with RELX U.S. Holdings, Inc., for the sale of Voluntary Cleanup Tax Credits (VCTC). **SUMMARY:** The document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of Housing and Economic Sustainability per signatory authority of April 30, 2018, in accordance with Agenda item 3I-3 and resolution R2015-1793 as approved by the BCC on December 15, 2015 and April 10, 2018, respectively. Under the Purchase Agreement for State Tax Credits, RELX U.S. Holdings, Inc. purchased a tax credit certificate worth \$8,339.50 under the VCTC Program. The purchase price of the certificates was \$7,755.74. After payment of the brokerage commission, the County will net \$7,255.37 that will replenish the County's Brownfields Revolving Loan Fund. In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **The VCTC Program does not require a local match.** Countywide (DB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

**A) approve** the AT&T Emergency Services IP Network Pricing Schedule as an attachment to the existing AT&T Master Agreement R2009-1055; and

**B) authorize** the County Administrator or designee to execute future AT&T Pricing Schedules in order to maintain current rates on existing services, as needed.

**SUMMARY:** The Emergency Services IP Network is an emergency (911) call routing solution designed for use in the nationwide transition and adoption of Next Generation 911 (NG 911) technology. Palm Beach County currently utilizes this technology and approval of the pricing schedule will set pricing at current rates for a period of 60 months. This pricing schedule does not obligate the County to any particular level of expenditure, but will establish a procurement vehicle to obtain services at a set rate as needed. Countywide (DB)

2. Staff recommends motion to approve: the Supplemental Service Order Request FLR-PBCo 20200108-01 to the Affiliate Connection Agreement R2014-0851 with Florida LambdaRail, LLC. (FLR) to increase the County's capacity on the FLR Network. **SUMMARY:** The County is currently approaching its capacity limit on the FLR Network. Supplemental Service Order Request FLR-PBCo20200108-01 to the Affiliate Connection Agreement R2014-0851 with FLR increases the County's capacity to 3x10G for an annual cost increase of \$44,342. The equipment and installation required for the increased capacity will be a one-time cost of \$38,151. This will provide the County with increased broadband services for faster internet access and connectivity to the Northwest Regional Data Center (NWRDC) disaster recovery site, as well as allowing the County to provide increased internet speeds to external customers. Countywide (DB)

X. PUBLIC SAFETY

1. Staff recommends motion to: approve: a contract for Consulting/Professional Services with Catholic Charities Diocese of Palm Beach, Inc. (CCDPB) to provide case managers and intensive case management to victims of human trafficking for the period April 7, 2020 through September 30, 2022 for a not-to-exceed contract amount of \$497,200. **SUMMARY:** The Division of Victim Services was awarded funding under the FY 2019 Direct Services to Support Victims of Human Trafficking Program (CFDA# 16.320) from the U.S. Department of Justice, Office for Victims of Crime in the amount of \$900,000 in conjunction with Palm Beach County Sheriff's Office, CCDPB and Barry University to provide direct services to support victims of human trafficking. The scope of the grant project builds upon existing community resources to support a comprehensive response addressing the unmet and complex needs of human trafficking victims. The overarching project goal is to improve, the County's response to victims of all forms of human trafficking through comprehensive victim services, increase identification of victims and referral for services, and improve countywide coordination of services. This will allow for leveraging of available resources, avoidance of duplication, and increase in overall capacity. CCDPB will provide comprehensive case management services and immigration/refugee legal services, community awareness, and education including strategic outreach in the rural, agricultural region of PBC. Countywide (JW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to adopt:** a resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, authorizing the submittal of an application for financial assistance pursuant to the Palm Beach Transportation Planning Agency (TPA) 2020 Local Initiatives Program for a proposed transportation project to acquire four electric buses and four charging stations in addition to agreeing to fund the ongoing maintenance and operations expenses associated with the project. **SUMMARY:** Palm Tran is submitting a grant application requesting funds needed to acquire four electric buses and four charging stations. If approved, the grant funds will be available in Fiscal Year 2025 for Palm Tran to replace four diesel buses that have reached their useful life with four electric buses and provide the stations to charge the buses. The current cost of an electric bus is \$1,144,929 and the cost of a charging station is \$112,500. Palm Beach County is requesting \$5,000,000 to fund this project. If awarded, there is a 20% match, which will be met with transportation development credits granted by Florida Department of Transportation. **No County funds are required.** Countywide (DR)
  
2. **Staff recommends motion to adopt:** a resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, authorizing the submittal of an application for financial assistance pursuant to the Palm Beach Transportation Planning Agency (TPA) 2020 Transportation Alternatives Program for a proposed transportation project to construct ADA bus stop enhancements in addition to agreeing to fund the ongoing maintenance and operational expenses associated with the project. **SUMMARY:** Palm Tran is submitting a grant application requesting funds to enhance 116 Palm Tran bus stops with ADA accessible pathways. The enhancements include construction of concrete boarding and alighting areas (i.e. pathways) that allow Palm Tran passengers who utilize wheelchairs and/or other mobility devices to more easily access the fixed-route transit system. If approved, the grant funds will be available in Fiscal Year 2025. Palm Beach County is requesting \$388,884 to fund this project. **No County funds are required.** Countywide (DR)

BB. YOUTH SERVICES

1. **Staff recommends motion to receive and file:** a contract for Professional Services with Courtney Molina, a Postdoctoral Psychology Fellow (Fellow), to complete a requirement of 2,000 hours of clinical work that will provide training and experience in family and youth counseling, in the amount of \$37,080, for the period August 3, 2020 through July 30, 2021. **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, and other related fields. Postdoctoral programs require 2,000 hours of supervised services in order to meet state licensing requirements. The Division is offering its program as a location to obtain this training. The Fellow, at a minimum, is assigned and completes the workload equivalent to a Family Therapist. The base hourly rate of a Family Therapist is \$26.02 versus the hourly fellowship contract rate of \$18.29. Additionally, the Fellow will receive a \$500 stipend for health insurance. On October 3, 2006, Agenda Item 3X-2 authorized the County Administrator or designee to execute future postdoctoral psychology resident (n/k/a Fellow) 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 contract spans two fiscal years, and sufficient funding is included in the current budget and in the proposed FY 2021 budget to meet county obligations. The contract was executed early to allow the selected Fellow to make necessary plans following graduation. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. OFFICE OF EQUAL BUSINESS OPPORTUNITY

- 1. Staff recommends motion to approve: reappointment of the following individual to the Equal Business Opportunity Advisory Committee (EBOAC) for the seat and term indicated below.

<u>REAPPOINTMENT</u>	<u>SEAT #</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
John Elliott	1	Certified Black Business Owner	4/7/20 - 4/6/23	Vice-Mayor Weinroth Comm. Weiss Mayor Kerner

**SUMMARY:** The EBOAC is established pursuant to Section 2-80.28(f) of the Palm Beach County Code. The Committee consists of 15 members representing one African American business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. The Committee supports the nomination and a memo was sent to the Board of County Commissioners on March 4, 2020 requesting approval of the recommendation. No other nominations were received. The Committee seat terms are for three years, and the Committee reviews and evaluates the effectiveness of equal business opportunity programs within County Government. Of the 15 members, the current diversity count is: Caucasian: 6 (40%), African American: 6 (40%), and Hispanic: 3 (20%). The gender ratio (female:male) is: 8:7. The nominee for reappointment is Mr. John Elliott, African-American male. Countywide (DB)

\* \* \* \* \*

**APRIL 7, 2020**

**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

**NONE**

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve: an indemnification agreement between PACE Funding Group, LLC, as an Administrator of Florida PACE Funding Agency, and Palm Beach County, Florida. **SUMMARY:** The Board of County Commissioners (BCC) has authorized a Property Assessed Clean Energy (PACE) program for third parties to provide funding for energy efficiency, renewable energy, and wind resistant improvements for residential and commercial properties by levying non-ad valorem assessments on property owners' tax bills. The County enters into interlocal agreements (ILAs) with multiple PACE agencies/authorities/districts (Districts) for them to provide the financing for qualifying improvements. Districts are then required to promptly obtain indemnification agreements from all third party administrators. In the ILA between Palm Beach County and the Florida PACE Funding Agency (FPFA) PACE district (R2017-1105), the BCC authorized the County Administrator or designee to execute such indemnification agreements with subsequent administrators of FPFA. The BCC then rescinded such delegated authority on September 10, 2019. The Office of Resilience is bringing forth this item because FPFA seeks to add PACE Funding Group (PFG) as a PACE administrator for residential projects, thus requiring an indemnification agreement. The BCC approved an indemnification agreement between PFG and Palm Beach County on September 18, 2018 when PFG was acting as an administrator for a different PACE district, the Florida Resiliency and Energy District, LLC. Now PFG is operating through FPFA, therefore requiring a new indemnification agreement between PFG, as an administrator for FPFA, and Palm Beach County. This indemnification agreement acknowledges that PFG is a third-party administrator for FPFA and that PFG agrees to indemnify and hold the County harmless as PFG assists FPFA. Countywide (SS)

B. RISK MANAGEMENT

1. Staff requests Board direction:
  - A) to approve the selection of Washington National as the agent/carrier to offer a selection of new voluntary (employee paid) supplemental insurance policies for County employees;
  - B) to add three proposed policies including Accident, Cancer, and Hospitalization to the existing suite of employee benefits; and
  - C) to enter into contract, for a minimum period of 20 years, with Washington National, in order to allow for the provision of a premium rebate after 20 years of continuous coverage.

**SUMMARY:** At the regular meeting of the Board of County Commissioners on October 2, 2018, staff was directed to bring back a proposal for new, non-duplicative voluntary supplemental insurance policies that included a premium rebate. To accomplish the Board directive, staff issued a Request for Proposal that required proposing carriers to review the County's current suite of benefits and submit proposals that would provide employees with additional options to consider for their personal coverage, while not creating financial incentives that could have a negative impact on the financial performance of the County's comprehensive health plans. Four proposals, from AFLAC, Aetna, Securian Life, and Washington National, were reviewed by the selection committee. Washington National was the only carrier that provided the required premium rebate option. If the Board directs staff to enter into a contract with the selected carrier, staff recommends the selection of Washington National and three of its proposed supplemental insurance policies including Accident, Cancer, and Hospitalization. Countywide (HH)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

**A)** an Economic Development Incentive Agreement (Agreement) with Esports Play LLC (Company), to provide a cash grant in an amount not to exceed \$21,000 over a six year period;

**B)** a budget transfer of \$21,000 from the General Fund Contingency Reserves to the Economic Development Fund; and,

**C)** a budget amendment of \$21,000 in the Economic Development Fund to recognize the funds from the General Fund.

**SUMMARY:** On September 10, 2019, the Board of County Commissioners (BCC) conceptually approved (R2019-1458) an Economic Development Incentive (Incentive) for the Company totaling \$21,000. This Agreement discloses the name of the Company, Esports Play LLC, previously referred to as Project League. The Company is a professional video game team operating in a global league of professional gaming. The Agreement requires the Company to make a minimum capital investment of \$1,350,000 to lease, renovate, and equip a 12,500 square foot facility. The Company shall create 30 new jobs over a three year period. These new jobs must have an annualized average wage of \$95,550 excluding benefits and a median wage of \$80,000 excluding benefits. The Company is required to maintain the new jobs for three years from the date this Agreement becomes effective. The five year economic impact is estimated to be \$55.6 million. Per the terms of the Agreement, the BCC delegates to the Director of the Department of Housing and Economic Sustainability the authority to exercise the County's rights including sending all written notices to the Company including any notice of default or termination. The State of Florida approved a Qualified Target Industry (QTI) tax refund for the Company in the amount of \$210,000. Of this amount, \$168,000 is from the State of Florida and \$42,000 is a required match from local government entities. The required \$42,000 match to the QTI tax refund will be split equally between Palm Beach County (\$21,000) and the City of Boca Raton (\$21,000). The Palm Beach County match will be provided in the form of a cash grant in an amount not to exceed \$21,000 over a six year period provided the project meets the requirements under Florida Statute 196.012 and the Agreement. District 4 (DB)

2. Staff recommends motion to execute: a "Certification By State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan" for the Pahokee Housing Authority in connection with their Fiscal Year 2020 Five-Year and Annual Plans. **SUMMARY:** The Pahokee Housing Authority has prepared its Five-Year and Annual PHA Plans for the Fiscal Year beginning October 1, 2020. Both Plans are due to the Department of Housing and Urban Development (HUD) on April 15, 2020. HUD requires the County to confirm that the plans and programs outlined in the Pahokee Housing Authority's Five-Year Plan and Annual Plan are consistent with those set forth in the County's Consolidated Plan. Confirmation of this consistency is documented through a "Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan." The Department of Housing and Economic Sustainability has reviewed the Pahokee Housing Authority's draft Annual PHA Plan and determined that the goals, objectives and plans outlined therein are consistent with those outlined in the Palm Beach County FY 2015-2020 Consolidated Plan. Some specific goals outlined in the Pahokee Housing Authority's Plan which are consistent with the goals set forth in the County's Consolidated Plan are: expand the supply of assisted housing; improve the quality of assisted housing, increase assisted housing choices; provide an improved living environment; promote self-sufficiency and development of individuals and families; and, ensure equal opportunity and affirmatively further fair housing. District 6 (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to authorize: the County Administrator or designee, which in this case shall be the Director Facilities Development & Operations, to approve renewal amendments for two continuing contracts to provide construction management (CM) services for various capital improvement projects which will extend the term of the contracts to December 20, 2020:

**A)** Robling Architecture Construction, Inc. (R2016-0762), SBE/Local 37.77% SBE participation to date, and

**B)** The Weitz Company, LLC (R2016-0763), Local, 22.48% SBE participation to date.

**SUMMARY:** On June 21, 2016, the Board of County Commissioners (BCC) approved continuing services contracts for CM services with Robling Architecture Construction, Inc. (Robling) and with The Weitz Company, LLC (Weitz) for a two year term with one two year renewal. On June 15, 2018, the BCC approved renewing the contracts for two years for Robling (R2018-0846) and Weitz (R2018-0847). These continuing CM contracts are set to expire on June 20, 2020. The Department has advertised for new continuing CM contracts and received proposals. Due to the ongoing COVID19 crisis, the Department needs time to develop new logistical procedures for conducting selection committee meetings while maintaining social distancing and there may be other delays throughout the selection process, which may cause a delay in getting the new continuing CM contracts to the BCC before the existing contracts expire. At this time, staff believes that extending the continuing CM contracts best serves the interests, health, safety, and welfare of the County and its citizens. Accordingly, staff is requesting authority to execute renewal amendments with Robling and Weitz to extend their continuing contracts for six months until December 20, 2020. On February 20, 2019, the County's Goal Setting Committee established a 20% SBE subcontracting goal on the construction subcontracts for the construction phase of projects assigned under this continuing CM contract. The Office of Equal Business Opportunity has reviewed and approved this renewal request. (Capital Improvements Division) Countywide (MWJ)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

2. Staff recommends motion to authorize: the County Administrator or designee, which in this case shall be the Director Facilities Development & Operations to:

**A)** terminate for convenience the Guaranteed Maximum Price Amendment No. 1 (GMP #1) to the Construction Management (CM) contract with Kast Construction Company LLC (Kast), in the amount of \$10,830,487 for the Palm Beach Sheriff Office (PBSO) Headquarters (HQ) Exterior Hardening; and make payment to Kast in an amount not to exceed \$127,000 for costs incurred to date; and

**B)** approve the Guaranteed Maximum Price Amendment No. 2 (GMP #2) in an amount not to exceed \$610,000, for certain communications and low voltage work in HQ previously bid and included in GMP #1 that is required to operate and manage the low voltage and security systems in the Forensic Science and Technology Building (fka Evidence Building) which is scheduled for completion in several months.

**SUMMARY:** On March 10, 2020, the Board of County Commissioners approved GMP #1 to the CM contract with Kast in the amount of \$10,830,487 (R2020-0249) for the exterior hardening of the PBSO Headquarters which is the first phase of the PBSO HQ Project. GMP #1 also included specific communications infrastructure and interior low voltage work that was necessary to operate and manage the low voltage systems in the soon to be completed Forensic Science and Technology Building. Shortly after the notice to proceed was issued for GMP #1, it became apparent that the PBSO Headquarters site would be needed to meet our currently known and future needs associated with the County's response to the COVID19 emergency. At this time, staff believes that termination of GMP #1 best serves the interests, health, safety, and welfare of the County and its citizens given the need to accommodate existing and potentially additional emergency operations at the project site. Accordingly, staff is requesting authority to terminate for convenience GMP #1 under General Condition 26 of the CM Contract and pay Kast an amount not to exceed \$127,000 for costs incurred to date as well as authorize GMP #2 using the applicable subcontractor bids from GMP #1 so that the new Forensic Science and Technology Building can be placed into operation. **The funding source for this project is the Infrastructure Sales Tax (IST) fund.** Both the Termination Agreement and GMP #2 will be submitted to the Board as a receive and file item when executed. (Capital Improvements Division) District 2 (MWJ)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

3. Staff recommends motion to authorize: ~~the County Administrator or designee, which in this case shall be the Director Facilities Development & Operations, to approve renewal amendments for three continuing contracts to provide mechanical, electrical, plumbing (MEP) engineering services for various capital improvement projects which will extend the term of the contracts to December 22, 2020:~~

A) certify that the on-going COVID19 crisis constitutes a valid public emergency; and

B) authorize the County Administrator or designee, which in this case shall be the Director Facilities Development & Operations, to emergency renewal to approve emergency renewal amendments for three continuing contracts to provide mechanical, electrical, plumbing (MEP) engineering services for various capital improvement projects, which will extend the term of the contracts to December 22, 2020:

1) Gartek Engineering Corporation (Gartek) (R2015-0777; Renewals: R2017-0892, R2018-0849, R2019-1328) MBE/Local 96.26% SBE participation to date;

2) Johnson, Levinson, Ragan, Davila, Inc. (JLRD) (R2015-0779; Renewals: R2017-0893, R2018-0850, R2019-1329), SBE/Local 96.94% SBE participation to date; and

3) RGD & Associates, Inc. dba RGD Consulting Engineers (RGD) (R2015-0778; Renewals: R2017-0894, R2018-0851, R2019-1330), SBE/Local, 93.5% SBE participation to date.

**SUMMARY:** On June 23, 2015, the Board of County Commissioners (BCC) approved continuing services contracts for MEP engineering services with Gartek, JLRD, and RGD for a two year term with three one year renewals. These continuing MEP engineering contracts are set to expire on June 22, 2020. The Department has advertised for new continuing MEP engineering contracts. Due to the ongoing COVID19 crisis, the Department needs time to develop new logistical procedures for conducting selection committee meetings while maintaining social distancing and there may be other delays throughout the selection process which may cause a delay in getting the new continuing MEP engineering contracts to the BCC before the existing contracts expire. At this time, staff believes that extending the continuing MEP engineering contracts of Gartek, JLRD and RGD best serves the interests, health, safety, and welfare of the County and its citizens. . Section 287.055, Florida Statutes known as the Consultants' Competitive Negotiation Act (CCNA) governs the procurement of architectural, professional engineering, landscape architecture and registered survey and mapping services in Florida. Procurement of such services are exempted from the standard public announcement and qualification procedures of the CCNA where a valid public emergency is certified by the agency head. The Board's certification of a valid public emergency allows for the emergency extension of these agreements in accordance with the CCNA. Accordingly, staff is requesting authority to execute renewal amendments with Gartek, JLRD, and RGD to extend their continuing contracts for six months until December 22, 2020. The firms under this existing MEP Engineering contract were selected under the County's prior SBE program where a 15% SBE goal applied. Over the preceding five years, the firms have averaged 95% SBE participation. The Office of Equal Business Opportunity has reviewed and approved this renewal request. (Capital Improvements Division) Countywide (MWJ)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a Second Modification and Restatement of Deed Restrictions on approximately 6.144 acres of property previously donated by the County to the Elizabeth H. Faulk Foundation, Inc. (Foundation). **SUMMARY:** The Elizabeth H. Faulk Foundation, Inc. was organized in 1971 as a Florida not-for-profit corporation with the charitable purpose of “providing free psychological and consultation services to the needy”. In 1979, the County conveyed approximately ten acres of land located on the west side of Boca Rio Road just north of S.W. 8<sup>th</sup> Street to Foundation. The Foundation constructed a 13,000 SF building on roughly four acres of the property in which it operates its Faulk Center for Counseling. In 2013, Foundation was approached by a developer who proposed to develop a 96 unit/117 bed senior assisted living facility on the remaining undeveloped six acres of the property. The developer proposed a complicated financial and organizational structure which would create a revenue stream for Foundation and would provide Foundation the opportunity to provide Alzheimer’s and memory care services to elderly residents in the Assisted Living Facility (ALF). This financial structure involved tax exempt bond financing and required modification of the deed restrictions. In 2014, the County modified the deed restrictions to release the County’s reverter; restrict use of the property to: i) mental health counseling and rehabilitation of the mentally ill; and ii) the development, use and operation of a senior living facility with assisted living units accommodating approximately 117 assisted living beds providing memory care services; allow for conveyance of the property to an affiliate of Foundation; and allow the property to be mortgaged for purposes of securing financing. Unfortunately, the developer seriously miscalculated the construction costs of the project, which resulted in foreclosure of the mortgage on behalf of the bondholders by PJPF Holdings, LLC (PJPF) and the Foundation’s loss of approximately six acres. As a result of foreclosure of the mortgage, the property can be used as a general ALF and is not required to provide memory care services. Since it acquired title in 2018, PJPF has sought to sell the foreclosed property for development consistent with the existing deed restrictions. PJPF entered into a contract to sell the property to Protea Senior Living Boca Raton, LLC (Protea) which is willing to develop an ALF using essentially the same design as previously proposed, will provide memory care services and will perform improvements which will benefit the Foundation’s remaining property, including new access drives, improved surface water management and connection to public sewer. Foundation and Protea will also enter into a unity of control which requires that the development be in accordance with the site plan approved by the Foundation. Protea is requesting the deed restrictions be further modified to: i) remove the requirement that the Property remain owned by a not for profit entity; ii) approve the conveyance of the foreclosed property to Protea Senior Living Boca Raton, LLC; iii) approve Protea’s request to mortgage the property to secure financing for development of the senior living facility; iv) clarify that assisted living services will be furnished at the facility together with memory care services; and iv) upon receipt of a Certificate of Occupancy for Protea’s ALF, the County’s approval rights for future conveyance or encumbrance of the foreclosed property shall terminate. The Foundation supports the requested modification of the restrictions. Development of Protea’s project will provide assisted living units with memory care services consistent with the original restrictions and will provide Foundation with an opportunity to provide mental health services to residents within Protea’s ALF, which was a goal of the previous transaction. In the event the Board does not approve the modification of restrictions, Protea will be unable to move forward with its project, and it is possible that PJPF could sell the property to a developer who would be less cooperative and not agree to provide memory care services. In any event, resolution of this issue would continue to drag out for years. **At the March 17, 2020, the Board requested further information regarding this transaction. Attached to this agenda item is a summary of the use restrictions and the various changes thereto. Also attached are letters from Piper Sandler, on behalf of PJPF, and from Vicki Katz, the CEO of the Foundation.** (Property & Real Estate Management) District 5 (HJF)

5. REGULAR AGENDA

E. COMMUNITY SERVICES

1. **ADD-ON:** Staff recommends motion to approve:

**A)** a contract for Provision of Services with Gulfstream Goodwill Industries, Inc. (GGI), for a one year period starting upon the execution of the contract upon board approval, to provide emergency shelter to homeless individuals;

**B)** a budget transfer of \$3,229,428 from contingency reserves to appropriate funding to Community Services, Facilities Development and Operations, and Parks and Recreation;

**C)** a budget amendment of \$958,736 to establish budget in the Capital Outlay Fund and;

**D)** nine full-time equivalent positions, which include five Case Managers II (Pay Grade 25), two Case Manager Trainees (Pay Grade 19), one General Maintenance Mechanic (Pay Grade 16) and one Housing Specialist (Pay Grade 22).

**SUMMARY:** On February 25, 2020, the Board of County Commissioners approved the Sheltering and Housing Strategy Annex to Leading the Way Home – Palm Beach County’s Plan to End the Cycle of Homelessness. This strategy serves as an annex or supplement to Leading the Way Home - Palm Beach County’s Plan to End the Cycle of Homelessness plan (Leading the Way Home). The facility will mirror The Senator Philip D. Lewis Center (The Lewis Center) in that assessments, intake, placement, and law enforcement drop-offs will be coordinated in the same efficient and effective manner that currently prevails at The Lewis Center. Persons residing in public places such as parks, office buildings and places not meant for human habitation will be offered services at the facility, once assessments are completed. Individuals in need of transportation to the facility will be transported via the Homeless Outreach Team (HOT) transport, designated bus assignments, and/or transportation vouchers. Palm Beach County Sheriff’s deputies will also be authorized to provide transport after clearance by shelter management. No other law enforcement drop-offs will be permitted. The estimated number of emergency shelter beds will be 100-125. Each occupant will have access to a hot meal, showers, amenity boxes, lockers and social services that are employment and housing focused. The contract with GGI includes an advance one-time payment of \$138,546 for startup costs to GGI in accordance with Palm Beach County Administrative Code Rule 305.02. The budget amendment in the Capital Outlay fund represents a 20% increase from the plan presented on February 25, 2020 due to: 1) all furniture and equipment being included, and 2) additional softening requirements; both at the request of GGI. Out of the one-time \$958,736, \$520,337 of the costs will be re-usable, or otherwise would be expended. (Division of Human and Veteran Services) Countywide (HH)

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6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

1. [Staff recommends motion to receive and file:](#) the updated Board Directive Reports which include in process and completed board directive items. **SUMMARY:** At the February 6, 2018 Board of County Commissioners Meeting, direction was given to the County Administrator to submit monthly a status report of the board directives. The report categorizes: **1)** In Process Items and **2)** Completed Items. The report continues to be updated on an on-going basis. Countywide (DN)

B. COUNTY ATTORNEY

**APRIL 7, 2020**

**8. COMMISSIONER COMMENTS**

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

Request for off-site Proclamation declaring the week of April 19-25, 2020 as National Crime Victims' Rights Week in Palm Beach County

Request for off-site Proclamation declaring May 2020 as Building Safety Month in Palm Beach County

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

Request for off-site Proclamation declaring April 28, 2020 as Workers' Memorial Day in Palm Beach County

Request for off-site Proclamation declaring April 2020 as Drowning Prevention Awareness Month in Palm Beach County

Request for off-site Proclamation declaring April 2020 as Second Chance Month in Palm Beach County

**District 3 – COMMISSIONER DAVE KERNER**

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

Request for off-site Proclamation declaring the week of April 12-18, 2020 as Palm Beach County Public Safety Telecommunications Week in Palm Beach County

**District 5 - COMMISSIONER MARY LOU BERGER**

Request for off-site Proclamation declaring April 2020 as Water Conservation Month in Palm Beach County

Request for off-site Proclamation declaring April 2020 as Parental Alienation Awareness Month in Palm Beach County

**District 6 - COMMISSIONER MELISSA MCKINLAY**

Request for off-site Proclamation declaring April 22, 2020 as Earth Day in Palm Beach County

Request for off-site Proclamation declaring April 2020 as Child Abuse Prevention Month in Palm Beach County

**District 7 – COMMISSIONER MACK BERNARD**

Request for off-site Proclamation declaring April 2020 as Sexual Assault Awareness Month in Palm Beach County

Request for off-site Certification of Recognition to Mora Junior Etienne

Request for off-site Proclamation declaring April 13-18, 2020 as National Community Development Week in Palm Beach County

**APRIL 7, 2020**

**9. MATTERS BY THE PUBLIC – 2:00 P.M.**

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**APRIL 7, 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."