

February 8, 2022
9:30am

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBRUARY 8, 2022

<u>PAGE</u>	<u>ITEM</u>	
8	3C-1	DELETED FOR FURTHER STAFF REVIEW (Engineering)
22	3H-4	DELETED FOR FURTHER STAFF REVIEW (FDO)
45	6E-1	ADD-ON/DELETED: Staff recommends motion to name: a roadway within John Prince Park to “Jay DiPietro Way.” SUMMARY: For nearly 30 years, Jay DiPietro served as Chairman of the Club Managers Association of America Florida Chapter Seminole Region (CMAA) Charity Golf Tournament and Gala, which raised funds for 10-12 charitable organizations supporting children with disabilities. One of those organizations was Special Olympics Florida-Palm Beach County operated by the Parks and Recreation Department. During his time as Chairman of the charity golf tournament and under his leadership, Mr. DiPietro and the CMAA donated over \$500,000 to Palm Beach County and Special Olympics Florida for the naming rights to the Therapeutic Recreation Complex in John Prince Park. Jay DiPietro was the long time General Manager of Boca West Country Club and an advocate for children particularly those with special needs. The roadway proposed to be named in his honor leads from Lake Worth Road to the Boundless Playground, a four-acre accessible playground that holds a special place in his heart. This request is being brought to the Board for approval at the request of Commissioner Maria Sachs. If approved, Parks will coordinate with Planning, Zoning and Building to have the name officially processed and will fabricate a street sign. <u>District 3</u> (AH) (Parks)

ADD-ON/REVISED MOTION: Staff recommends motion to: ~~A) request Board direction~~ regarding a conceptual Term Sheet with the University of Florida (UF) for the potential conveyance of approximately 5.03 acres of County-owned property in the City of West Palm Beach to UF for the purpose of the development of an Urban Campus; **B) approve a conceptual Term Sheet with the UF for the potential conveyance of approximately 5.03 acres of County-owned property in the City of West Palm Beach to UF for the purpose of the development of an Urban Campus; **C) authorize** the County Administrator or designee, which in this case shall be the Director of the Facilities Development and Operations department, to commence negotiations with UF towards finalizing a Term Sheet and the development of a potential Conveyance Agreement based upon the approved conceptual Term Sheet; and **D) authorize** County staff to initiate the due diligence and master planning process for the County-owned 45th Street property (southeast corner of 45th Street and Australian Avenue in the City of West Palm Beach) required in preparation for the potential relocation of the Community Services Department. **SUMMARY:** On August 24, 2021, the mayors of the City of West Palm Beach (City) and Palm Beach County (County) held a joint press conference to announce an educational initiative for the region. The initiative provides for the conveyance of real estate owned by the City, County and a private third party(s) within the area historically known as Government Hill in downtown West Palm Beach to UF for the planning, design and construction of an urban educational campus focused on graduate, professional and executive programs. On August 31, 2021, the Board of County Commissioners (Board) instructed staff to commence conversations with UF and the City towards reaching mutual understandings and the necessary agreements for the development of an Urban Campus, and to consider four key elements: reversionary rights, use restrictions, closing costs and development timeline. On December 7, 2021, staff provided the Board a status report regarding the collaboration with UF and the City towards the development of the Urban Campus. Since then, staff and UF representatives have remained engaged in conversations towards developing a conceptual Term Sheet for approval by the Board. In mid-January 2022, UF notified staff that in order for the budget appropriation process to progress at the state level, additional reassurances as to the County's commitment towards the development of the Urban Campus were required. As a result, staff and UF representatives increased efforts towards reaching a final agreement on the conceptual Term Sheet. Although significant progress has been made and mutual agreements have been reached between County and UF staff on most terms, the conceptual Term Sheet being submitted today for approval by the Board reflects that further negotiations are required regarding **two material terms**: 1) the extent of the reversionary rights to be retained by the County, and 2) the definition of allowable private uses on County-owned properties. If the Board approves the conceptual Term Sheet as presented, staff will proceed to negotiate with UF towards finalizing the Term Sheet and drafting a Conveyance Agreement, which will include, among other matters, a clear approach to the two pending material terms. **Approval of the conceptual Term Sheet does not authorize conveyance of the properties, nor bind the Board to convey, or UF to accept, the same.** The Conveyance Agreement would be brought to the Board for approval at a later time. If staff and UF fail to reach an agreement on the pending material terms or any other matters, then staff would return to the Board seeking further direction and/or either party, in its sole and absolute discretion, may terminate negotiations as the conceptual Term Sheet is non-binding. The County's current holdings on Government Hill amount to 5.03 acres with an assessed value, as reported by the Property Appraiser's Office, of \$12,853,662. In preparation for a possible conveyance action, staff obtained two separate appraisals (prepared by Callaway & Price, Inc. and M.R. Ford & Associates, Inc.) which average to a fee simple interest market value for the properties totaling \$42,072,500. The City's holdings amount to approximately 2.2 acres and the private holdings amount to approximately 4.5 acres. (FDO Admin) District 7/Countywide (HJF) (FDO)**

ADD-ON: Staff recommends motion granting request by the County Attorney to: 1) schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, Chief Assistant County Attorney, and outside counsel pursuant to Section 286.011(8), Florida Statutes to discuss settlement negotiations in pending litigation of which Palm Beach County is presently a party: In re: National Prescription Opiate Litigation, Case Number: MDL 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., Case Number: 1:18-op-46121-DAP (N.D. Ohio); and 2) to give public notice of a private meeting for an attorney-client session, which will be held at **12:00 p.m. on March 8, 2022**, in the McEaddy Conference Room at 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida, and placing further notice of the private meeting on the Agenda of the Board of County Commissioners for its meeting. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Verdenia Baker, County Administrator; Denise Coffman, County Attorney; David Ottey, Chief Assistant County Attorney; and Shayna E. Sacks, outside counsel. **SUMMARY:** The Board will discuss settlement negotiations. Countywide (DO) (Co Attorney)

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**

FEBRUARY 8, 2022

**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 7-38)**
- 4. SPECIAL PRESENTATIONS (Page 39)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 40)**
- 6. REGULAR AGENDA (Pages 41-45)**
- 7. BOARD APPOINTMENTS (Page 46)**
- 8. STAFF COMMENTS (Page 47)**
- 9. BCC COMMENTS (Page 48)**
- 10. ADJOURNMENT (Page 49)**

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TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 7

3A-1 Appointments to the Water Resources Task Force

B. CLERK & COMPTROLLER

Page 8

3B-1 Warrant list

3B-2 Minutes

3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 8

3C-1 Resolution amending the Professional Consultant Qualification Application Procedures to delegate authority to County Engineer

Page 9

3C-2 Resolution amending the Municipal Service Tax Unit special assessment for Chase Court, Dixie Lane, Dryden Road and Arlington Drive

E. COMMUNITY SERVICES

Page 10

3E-1 Appointment to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council

Pages 11-12

3E-2 Amendments to Standard Agreements with the Area Agency on Aging of Palm Beach/Treasure Coast for assistance to seniors

Page 13

3E-3 Agreements with two agencies for supportive and housing services to homeless individuals

Page 14

3E-4 Agreement with Southeast Behavioral Health Network, Inc. for training on the Wraparound Services Model to behavioral health agencies

3E-5 Florida Medicaid Provider Renewal Enrollment Application for Medicaid Long-Term Care clients

Page 15

3E-6 Ratify the Mayor's signature on two Emergency Rental Assistance Program requests

TABLE OF CONTENTS

CONSENT AGENDA

F. AIRPORTS

- Page 16
3F-1 Receive and file award modification of Law Enforcement Officer Reimbursement Program Agreement with the Transportation Security Administration for law enforcement services at PBI
- Page 17
3F-2 Receive and file two Consent to Sublease documents for fixed based operator services for general aviation aircraft at PBI
- Page 18
3F-3 Receive and file notice to WHC WPB, LLC for Airport On-Demand Ground Transportation services

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 19
3H-1 Receive and file copy of change order to amendment to contract with Robling Architecture Construction, Inc. for the Convention Center Sky Room Courtyard project
- Page 20
3H-2 Change order to amendment to contract with Robling Architecture Construction, Inc. for the Fire Station No. 21 renovation project
- Page 21
3H-3 Work order to contract with All-Site Construction Inc. for the Fire Station #45 – Bunk Room Addition Rebid project
- Page 22
3H-4 Termination agreement with Ultimate Bakery and Pastry Inc. for food service at the County's Vista Center
- Page 23
3H-5 License agreement with the Delray Beach Public Library Association, Inc. for installation of Palm Tran bus ticket vending machines at the Delray Beach Library

I. HOUSING AND ECONOMIC DEVELOPMENT

- Page 24
3I-1 Receive and file amendment to agreement with the City of South Bay revising the projected expenditure budget
3I-2 Receive and file letter confirming the termination of the Economic Development Incentive Agreement with Modernizing Medicine, Inc.
- Pages 25-26
3I-3 Appointments to the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee

J. PLANNING, ZONING & BUILDING

- Page 27
3J-1 Appointment to the Land Development Regulation Advisory Board

TABLE OF CONTENTS

CONSENT AGENDA

K. WATER UTILITIES

- Page 28
3K-1 Consultant Services Authorization to contract with Stantec Consulting Services Inc. for program management and implementation services
- Page 29
3K-2 Contract with Youngquist Brothers, LLC for the Water Treatment Plant No. 2 Treatment and Disposal Improvement – Deep Injection Well project
- Page 30
3K-3 Community Development Block Grant Mitigation Program Subrecipient Agreement with the State of Florida Department of Economic Opportunity for the Western Region North Wastewater Treatment Facility Electrical and Wet Weather Improvements project
- Page 31
3K-4 Consultant Services Authorization to contract with Barnes, Ferland and Associates, Inc. for the Lift Station Rehabilitation project

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 32
3L-1 Task order to contract with Aptim Environmental & Infrastructure, LLC for sea turtle monitoring services
3L-2 Work order to contract with Rio-Bak Corporation for dune restoration services for the North County Comprehensive Shore Protection project
- Page 33
3L-3 State Mosquito Control Memorandum of Understanding with the Florida Department of Agriculture and Consumer Services for mosquito control activities

Q. CRIMINAL JUSTICE COMMISSION

- Page 34
3Q-1 Ratify the Mayor’s signature on the FY20 Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance grant to eliminate the grant-funded Program Coordinator position

S. FIRE RESCUE

- Page 35
3S-1 FY 2021 Assistance to Firefighters Grant application to the U.S. Department of Homeland Security’s Federal Emergency Management Agency for 44 automatic chest compression devices

AA. PALM TRAN

- Page 36
3AA-1 Donation of 150 fare boxes to the Miami-Dade Department of Transportation and Public Works

TABLE OF CONTENTS

CONSENT AGENDA

CC. SHERIFF

Page 36

3CC-1 Budget transfer from the Federal Justice Law Enforcement Trust Fund for law enforcement training and education

Page 37

3CC-2 Budget transfer from the Law Enforcement Trust Fund for drug prevention and education

DD. TOURIST DEVELOPMENT COUNCIL

Page 38

3DD-1 Receive and file three FY 2021 grant agreements managed by the Palm Beach County Sports Commission for the months of September and October, 2021

SPECIAL PRESENTATIONS

Page 39

4A COVID-19 Update by Dr. Alonso and County Staff

PUBLIC HEARINGS – 9:30 A.M.

A. PALM TRAN

Page 40

5A-1 Resolution authorizing the signing and submission of the FY2023 Section 5310 grant application to the Florida Department of Transportation for replacement of paratransit vehicles

TABLE OF CONTENTS

REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT

Page 41

- 6A-1 Amendment to Palm Beach County Housing Initiatives Partnership Program Local Housing Assistance Plan to address affordable housing incentive areas

B. AIRPORTS

Page 42

- 6B-1 Amendment to agreement with AECOM Technical Services, Inc. for planning and design services related to the Airports Capital Improvement Program

Page 43

- 6B-2 Amendment to contract with Lebolo Construction Management, Inc. for the Terminal Building 4th Level Exterior Wall Repairs at PBI

C. ENGINEERING & PUBLIC WORKS

Page 44

- 6C-1 Eleven resolutions initiative eminent domain proceedings for roadway improvements on Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Hall Boulevard

D. ADMINISTRATION

Page 44

- 6D-1 Receive and file Mid-Session Legislative Update for the 2022 Legislative Session

Page 45

- 6D-2 Ordinance amending the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance

BOARD APPOINTMENTS (Page 46)

STAFF COMMENTS (Page 47)

COMMISSIONER COMMENTS (Page 48)

ADJOURNMENT (Page 49)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: two appointments to the Water Resources Task Force (WRTF) for the remainder of the three year term beginning February 8, 2022 and ending September 30, 2022.

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Seat Representative</u>	<u>Term</u>	<u>Nominated By</u>
8	Poonam Kalkat	Member	Water/Wastewater Provider Official	2/8/22 - 9/30/22	Mayor Weinroth Vice Mayor Weiss Comm. Marino Comm. McKinlay
8	Julia Parham	Alternate	Water/Wastewater Provider Official	2/8/22 - 9/30/22	Mayor Weinroth Vice Mayor Weiss Comm. Marino Comm. McKinlay

SUMMARY: Per Resolution No. R2008-1810 (which was repealed and replaced with R2013-1471), the Board of County Commissioners (BCC) established the WRTF which is comprised of a total of 28 representatives (14 members and 14 designated alternates for each seat). The 14 seats are as follows: six City elected officials; one County Commissioner (or their appointee); one special independent district and/or utility water/wastewater provider official; one Lake Worth Drainage District representative; one drainage/water control district elected official; one South Florida Water Management District Governing Board member; one environmental representative; one land owner in Palm Beach County actively farming that land to represent agricultural interests; and one Indian Trail Improvement District representative. The diversity of the current 9 WRTF members and 3 alternates is as follows: 12 Caucasian (100%). The gender ratio (female:male) is 3:9. Both above appointees are females; one is Asian American, the other is Caucasian. Staff is actively seeking to increase diversity on this board. One City elected official, the environmental representative, the agricultural representative, and the drainage/water control district elected official member seats and ten alternate seats remain vacant at this time. Staff requested the BCC to submit nominees for the water/wastewater provider official seat on December 20, 2021. Countywide (MJ)

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:

<u>Meeting Date</u>	<u>Meeting Type</u>
November 2, 2021	Regular
November 22, 2021	Zoning
December 21, 2021	Regular

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

C. ENGINEERING & PUBLIC WORKS

1. ~~**Staff recommends motion to adopt:** a resolution amending Resolution No. R90-1386 to approve amended Professional Consultant Qualification Application Procedures and to delegate authority to the County Engineer to amend such procedures, as necessary. **SUMMARY:** This resolution amends Resolution No. R90-1386 to approve amended Professional Consultant Qualification Application Procedures, including the Professional Consultant Qualification Application and Work Category Definitions (collectively, Application Procedures) and to delegate authority to the County Engineer to amend the Application Procedures, as necessary. All other provisions of Resolution No. R90-1386 remain unchanged. Engineering and Public Works Department staff currently administer the Application Procedures, the results of which are utilized by the five County Departments with delegated construction authority (Department of Airports, Engineering and Public Works, Environmental Resources Management, Facilities Development and Operations, and Water Utilities). Future amendments to the Application Procedures are anticipated to be needed to enable certification of firms qualified to perform professional water resources engineering services including, but not limited to, regional water resources evaluations, stormwater management planning and design, flood modeling analysis and mapping, water quality and septic tank evaluations, flooding and sea level rise vulnerability assessments and other resilience-related professional services. This resolution allows necessary amendments to the Application Procedures to be implemented in a timely and efficient manner. Countywide (YBH)~~

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to adopt: a resolution amending Resolution R2019-1683 for the Municipal Service Taxing Unit (MSTU) special assessment for Chase Court, Dixie Lane, Dryden Road and Arlington Drive paving and drainage improvements (Project) to modify the assessed footage to the property with Property Control Number (PCN) 00-42-44-02-01-000-134.0; to reduce the Project's total assessment amount by approximately \$5,796.84; and to authorize the Clerk of the Circuit Court & Comptroller of Palm Beach County (Clerk) to refund the total overpayment received from the property with PCN 00-42-44-02-01-000-134.0, plus interest. **SUMMARY:** Adoption of the resolution will modify the MSTU special assessment for the property with PCN 00-42-44-02-01-000-134.0, located at the corner of Chase Court and Dixie Lane (Property), both roads being part of the Project. The County has become aware that the Property was assessed for more than its share of the Project. The MSTU Policy at the time of the assessment was that any property located on a corner lot would be assessed based on the average of the abutting footage on each road, where both roads were part of the special assessment project. The Property was instead assessed the sum of the abutting footage of both roads. This resolution will allow Palm Beach County to refund the overpayment plus interest to the Property owner. Modification of the assessed footage for the Property will reduce the Project's total special assessment amount from \$288,405.78 to \$282,608.94. The estimated amount of refund is \$5,796.84, as the actual value of the refund will be determined by the Clerk upon filing the resolution due to interest. The special assessment to the remaining benefitting properties will not be affected. District 2 (YBH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

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

<u>Seat No.</u>	<u>Appointment</u>	<u>Recommended By</u>	<u>Term Expires</u>
14	Rosaline B. Jocurin	HIV CARE Council	02/07/25

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. Jocurin 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. Jocurin has disclosed that she is employed with FoundCare, Inc. The agency contracts with the County for services. The HIV CARE Council provides no regulation, oversight, management, or policy setting recommendations regarding the subject contract or transactions. 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. The diversity count for the 21 seats that are currently filled is African-American: 11 (52%), Caucasian: 5 (24%), Hispanic-American: 4 (19%) and Asian-American: 1 (5%). The gender ratio (female:male) is 11:10. Ms. Jocurin 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:

A) Amendment 001 to Standard Agreement No. IC021-9500 (R2021-1202) for Community Care for the Elderly (CCE) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2021 through June 30, 2022, to amend, revise, and replace portions of the standard agreement, to assist seniors and their caregivers by providing in-home services to help seniors live independently, with no change to the total grant amount of \$2,221,730;

B) Amendment 002 to Standard Agreement No. IH021-9500 (R2021-1203) for Home Care for the Elderly (HCE) with AAA, for the period July 1, 2021 through June 30, 2022, to revise and replace portions of the standard agreement, to assist seniors and their caregivers with the provision of care in a family-type living arrangement as an alternative to institutional care, with no change to the total grant amount of \$181,797;

C) Amendment 001 to Standard Agreement No. IZ021-9500 (R2021-1204) for Alzheimer's Disease Initiative (ADI) with AAA, for the period July 1, 2021 through June 30, 2022, to amend, revise, and replace portions of the standard agreement, to assist seniors afflicted with Alzheimer's disease and other forms of dementia and their caregivers by providing in-home services to help seniors live independently, with no change to the total grant amount of \$1,432,587;

D) Amendment 003 to Standard Agreement No. IA021-9500 (R2021-1201) for the Older Americans Act (OAA) with AAA, for the period January 1, 2021 through December 31, 2021, to amend, revise, and replace portions of the standard agreement and decrease the overall total funding by \$70,000, for a new total agreement amount of \$3,929,071.41, to provide in-home and community-based services to seniors;

E) Amendment 001 to Standard Agreement No. ICV21-9500 (R2021-0567) for the Coronavirus Consolidated Appropriations Act Program with AAA, for the period February 1, 2021 through September 30, 2022, to amend, revise, and replace portions of the standard agreement and increase the overall total funding by \$61,960, for a new total agreement amount of \$601,711, for the provision of nutrition services to seniors and their caregivers and provide information about COVID-19 vaccines and arranging transportation to vaccination sites; and

F) a budget amendment of \$8,040 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget to the actual grant award.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **(Cont'd) SUMMARY:** Per the Department of Elder Affairs, per Chapter 430, Florida Statutes, AAA is designated to administer programs. The above-listed amendments include Paragraph 11.8 in accordance with the Governor's Executive Order 20-44, which requires executive agencies to submit a list of entities named in statute with which a state agency must form a sole-source, public-private agreement, or an entity that through contract or other agreement with the State, annually receives 50% or more of their budget from the State or from a combination of state and federal funds. Any entity that meets one or both of the criteria listed must submit an annual report, including the most recent IRS Form 990, detailing the total compensation for the entity's executive leadership teams within 30 days of execution of this agreement. This language does not apply to the County, as the County does not currently receive more than 50% of its funding from state and federal grants, but if this ratio changes, the language may apply. The amendments allow the DSVS to provide services to seniors and their caregivers. Under the CCE agreement (CSFA No. 65.010), seniors and caregivers are assisted with in-home services that help seniors live independently. In Grant Year (GY) 2016-2019, the CCE program served 676 clients, provided 6,931 hours of case management and 282,909 hours of in-home services. Under the HCE agreement (CSFA No. 65.001), DSVS assists older adults and caregivers with the provision of care in a family-type living arrangement as an alternative to institutional care. In GY 2016-2019, the HCE program served 167 clients, provided 2,006 hours of case management and 13,405 hours of in-home services. Under the ADI agreement (CSFA No. 65.002 & 65.004), DSVS provides case management, in-home respite and facility-based respite. In GY 2016- 2019, the ADI program served 302 clients, provided 2,892 hours of case management and 178,987 hours of in-home services. Under the OAA agreement (CFDA No. 93.044, 93.045 & 93.052), DSVS provides several programs that serve seniors. In Calendar Year (CY) 2019 – 2020, the congregate meal program served 2,585 seniors, the home-delivered meal program served 1,312 seniors and the in-home services program served 112 seniors. Under the ICV21 agreement (CFDA No. 93.045 & 93.044), DSVS served 50 seniors with nutrition services. The Coronavirus Response and Relief Services are funded with \$61,960 in federal funds. The budget amendment is necessary to align the County budget with the actual grant award. The DSVS 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 Rd. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DSVS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: agreements for Provision of Financial Assistance with the below-listed agencies, for the period October 1, 2021 through September 30, 2024, in an amount totaling \$645,450, of which \$215,150 is budgeted in FY 2022, with an anticipated annual allocation of \$215,150 in each subsequent fiscal year, contingent upon a budgetary appropriation by the Board of County Commissioners, for the term of these contracts, to provide services in the service category of economic stability:

A) Gulfstream Goodwill Industries, Inc. (GGI), for the provision of supportive services to homeless individuals, in an amount not-to-exceed \$359,307, of which \$119,769 is budgeted in FY 2022, with an anticipated annual allocation of \$119,769 in each subsequent fiscal year for the term of this agreement; and

B) The Lord's Place, Inc. (TLP), for the provision of housing services to homeless individuals, in an amount not-to-exceed \$286,143, of which \$95,381 is budgeted in FY 2022, with anticipated annual allocation of \$95,381 in each subsequent fiscal year for term of this agreement.

SUMMARY: The contracted agencies listed will provide a variety of supportive services to homeless individuals in Palm Beach County, which include case management, navigation, employment counseling, engagement, and permanent supportive housing. GGI only provides support services and uses other sources to pay for housing. The estimated cost of these services are \$2,395.38 per client which has a lower cost of service compared to housing services provided by TLP under their contract. TLP pays for housing and services as well as offering deeper end services such as psychiatric care. The estimated cost of these services are \$5,610.65 per client. The finalization of the contracts was delayed due to an extended review of the agencies scope of work and budget. In FY 2021, GGI provided supportive services to 25 homeless individuals and will serve approximately 50 homeless individuals annually under this agreement. In FY 2021, TLP provided housing services to 17 homeless individuals and will serve approximately 17 homeless individuals annually under this agreement. A total of \$215,150 in County funds is included in the FY 2022 budget. Tyrina Pinkney, an employee of The Lord's Place, Inc, is a member of the Palm Beach County HIV CARE Council. This board provides no regulation, oversight, management, or policy-setting recommendations regarding the agency listed above. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Section 2-443, of the Palm Beach County Code of Ethics. (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: agreement for Provision of Financial Assistance with Southeast Behavioral Health Network, Inc. (SEFBHN), for the period October 1, 2021 through September 30, 2022, in an amount not-to-exceed \$57,619, to provide training on the Wraparound Services Model to behavioral health agencies. **SUMMARY:** On August 17, 2021, the Board of County Commissioners (BCC) approved funding allocations for the Financially Assisted Agencies (FAA) Program. The agreement recommended in this item reflects the dollar amount included in the FY 2022 budget. This agreement represents \$57,619 of the total FAA funding allocation of \$13,365,991 in FY 2022. The finalization of the agreement was delayed due to an extended review of the agency's scope of work and budget. In FY 2020, SEFBHN provided six three-day trainings on the Wraparound Services Model to 125 participants from various community agencies. Under this new agreement, SEFBHN will provide six three-day trainings to approximately 125 participants. Linda Kane, an employee of SEFBHN, is a member of the Homeless Advisory Board (HAB). The HAB provides no regulation, oversight, management, or policy-setting recommendations regarding the subject agreements or transactions. 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. (Financially Assisted Agencies) Countywide (HH)

5. Staff recommends motion to:
 - A) **approve** the Florida Medicaid Provider Renewal Enrollment Application;
 - B) **approve** the Special Exempt Entity Certification – Fingerprinting Exemption;
 - C) **approve** the Non-Institutional Medicaid Provider Agreement; and
 - D) **authorize** the County Administrator or designee to execute and electronically submit the Florida Medicaid Provider Renewal Enrollment Application and any other necessary documents related to the renewal process.

SUMMARY: The Agency for Health Care Administration revalidates the enrollment of all providers every five years. The Division of Senior and Veteran Services (DSVS) is a provider and the current enrollment will expire on February 20, 2022. The new enrollment application is for the period February 21, 2022 through February 20, 2027. Approval of the Florida Medicaid Provider Renewal Enrollment Application allows for the continued submission of DSVS invoices for Medicaid Long-Term Care clients. (Division of Senior and Veteran Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to:

A) ratify the signature of the Mayor on the Emergency Rental Assistance Program 1 (ERAP 1) Request for Reallocated Funds, for the period January 21, 2021 through December 30, 2022, in the amount of \$30,000,000, for a new total funding amount of \$75,196,000, to provide emergency rental and utility assistance for Palm Beach County residents impacted by the COVID-19 pandemic;

B) ratify the signature of the Mayor on the Emergency Rental Assistance Program 2 (ERAP 2) Request for Additional Funding, for the period May 7, 2021 through September 30, 2025, for the second disbursement of ERAP 2 funding in the amount of \$29,353,058, from Palm Beach County's total allocation of \$48,921,764, to provide emergency rental and utility assistance for Palm Beach County residents impacted by the COVID-19 pandemic;

C) ratify the signature of the Mayor on the Assurances of Compliance with Civil Rights Requirements form; and

D) delegate to the County Administrator or designee signatory authority on additional forms and certifications, contracts and agreements and amendments thereto, and any other necessary documents related to ERAP funding.

SUMMARY: On October 25, 2021, the Deputy Secretary of the U.S. Treasury released instructions on requesting additional ERAP 1 funding that may be available due to reallocations from under-performing jurisdictions. As a high-performing jurisdiction and based on program needs, Palm Beach County requested an additional \$30,000,000. On August 17, 2021, the BCC approved the full allocation of \$48,921,764 for ERAP 2 funding. The U.S. Treasury released \$19,568,705.56 (40%) of the allocation, with the remaining 60% to be released once 75% spending of the first disbursement was reached. The 75% was reached on December 8, 2021, and the remaining 60% was requested and funds were received. The emergency signature process was used as there was not sufficient time to submit the request through the regular agenda process without fully depleting the first disbursement. As of December 31, 2021, \$50,356,933 has been disbursed on behalf of 6,682 unduplicated households under ERAP. Since March 18, 2020, \$100,106,593 has been disbursed in direct client assistance across all Community Services programs. The CFDA number for ERAP is 21.023. **No County match is required.** (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) receive and file an Award Modification (Modification No 00002) of Law Enforcement Officer (LEO) Reimbursement Program Other Transaction Agreement 70T02021T6114N251 with the Transportation Security Administration (TSA) in the amount of \$72,000 for law enforcement services at Palm Beach International Airport (PBI) for the period commencing January 1, 2022 through March 31, 2022. Delegation of authority for execution of the LEO Agreements was approved by the BCC on August 14, 2012 (R2012-1093); and

B) approve a budget amendment in the Airport's Operating Fund, for the receipt of \$72,000 of funding from the TSA; and an increase to Airport's Reserve in the amount of \$72,000.

SUMMARY: The TSA LEO Reimbursement Agreement Program provides grants for reimbursement of airport operators for expenses incurred for the provision of LEO support at airport security checkpoints. The Palm Beach County Sheriff's Office (PBSO) provides LEO support at PBI. Acceptance of LEO Reimbursement Agreements will allow the County to recoup a portion of its costs for the provision of PBSO's services at PBI. Reimbursement is based on the availability of funds and is provided on a first-come, first-serve basis. Approval of this modification will provide for the continuation of funding for the LEO Reimbursement Program at PBI for reimbursement of LEO services/activities for Calendar Years 2021-2023. The initial award in the amount of \$72,000 provided funds for the period of January 1, 2021 through March 31, 2021. Modification Number 00001 in the amount of \$220,000 provided funds for the period of April 1, 2021 through December 31, 2021. Modification Number 00002 will provide funds for the period commencing January 1, 2022 through March 31, 2022. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to receive and file: two Consent to Sublease (Consent) documents, consenting to the sublease of space by Atlantic Aviation - West Palm Beach LLC d/b/a Atlantic Aviation PBI (Atlantic) at the Palm Beach International Airport (PBI), with the following subtenants:

1. ACI Jet, effective 12/1/2021
2. Adventure Guy Aviation, LLC., effective 7/2/2021

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)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to:

A) receive and file notice to WHC WPB, LLC, a Florida limited liability company, d/b/a zTrip (WHC) dated June 17, 2021, exercising County's option to renew the term of the Airport On-Demand Ground Transportation Services Agreement (Agreement) with WHC dated October 15, 2020 (R2021-0416) from October 1, 2021, through December 31, 2021, for on-demand ground transportation services at the Palm Beach International Airport (PBI);

B) receive and file notice to WHC, Metro Taxi of Florida, LLC (Metro) and 4R Services, LLC (4R Services), dated November 2, 2021, acknowledging County's consent to assignment of the Agreement from WHC to Metro, and assignment of the Agreement from Metro to 4R Services, both as of June 30, 2021;

C) receive and file notice to 4R Services dated November 22, 2021, exercising County's option to renew the term of the Agreement through March 31, 2022; and

D) approve a budget transfer of \$206,555 in the Airports Operating Fund, including a transfer from Reserves, in the amount of \$206,555.

SUMMARY: The Agreement provides for on-demand taxi and luxury sedan/SUV service at PBI. The Agreement was assigned by WHC to Metro effective as of June 29, 2021, and Metro simultaneously reassigned the Agreement to 4R Services, an affiliate of Metro. The Agreement provided for an initial term expiring September 30, 2021, renewable thereafter on a monthly basis at the County's sole option for up to 24 months. The Agreement has been renewed through March 31, 2022, and the assignment approved pursuant to delegated authority provided in R2021-0416. Approval of this item will provide budget for the Agreement through September 30, 2022, in the event further renewal options are required to ensure the continuation of on-demand transportation services pending the testing and implementation of the new ground transportation management system (GTMS) approved on August 17, 2021 (R2021-1162) and the selection of a company to manage ground transportation services at PBI. Implementation of the GTMS has been delayed, in part, based on unavailability of certain parts and equipment necessary to manage access to the ground transportation staging area. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: a copy of Change Order No. 03 to Amendment No. 20 to the continuing construction manager at risk contract with Robling Architecture Construction, Inc. (Robling) in the amount of \$39,249 for the Convention Center Sky Room Courtyard project with an increase to the project duration of 80 calendar days. **SUMMARY:** On June 21, 2016, the Board of County Commissioners (Board) approved the continuing contract (R2016-0762) with Robling for construction management services for various capital improvement projects throughout the County. On May 5, 2020, the Board approved Amendment No. 20 (R2020-0441) to the contract with Robling establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,217,482 to construct a courtyard at the Palm Beach County Convention Center. Change Order No. 01 authorized the procurement and delivery of furniture for the sky room and extended the project duration by 85 calendar days. On March 9, 2021, the Board approved Change Order No. 2 (R2021-0335) that authorized an extension of 191 calendar days to the project duration for delays associated with the artist fabricator's reduced hours of operations and staff levels in response to the coronavirus pandemic. Change Order No. 3 authorized the installation of additional fire alarm gate hardware, relocation of light fixtures, paver modifications, additional lighting fixtures, installation of an upgraded paver sealer and an extension to the contract duration of 80 calendar days. In accordance with Policies and Procedures Memorandum (PPM) CW-F-050, when the cumulative value of time extensions, approved by the Contract Review Committee or Department Director, totals or exceeds 120 days of the original project completion date, an agenda item notifying the Board of the item that puts project in the excess category must be presented as a receive and file. To date, the cumulative value of change orders to extend the project duration, including Change Order No. 03, totals 165 calendar days. This agenda item is being submitted to notify the Board that Change Order No. 03 puts the cumulative value of time extensions over the 120 days threshold established by PPM CW-F-050. The continuing construction manager (CM) contract was awarded 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 CM is not an SBE. 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 to the contract. SBE participation on this amendment is 56.67%. The SBE participation on Change Order No. 3 is 92.63%. The revised SBE participation, after including Change Orders No. 1 through 3, is 59.14%. To date, the overall SBE participation on the continuing Construction Manager contract is 39.74%. The CM is a Palm Beach County business. The funding source for this project is the Airport Center 2 (AC2) and Convention Center Parking Garage bond which debt service is funded by the Tourist Development Tax 1st cent fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Change Order No. 5 to Amendment No. 21 (R2020-0559) of the continuing construction contract with Robling Architecture Construction, Inc. (R2016-0762) increasing the Guaranteed Maximum Price (GMP) for construction management services for the Fire Station No. 21 Renovation project in the amount of \$54,170.21 and extending the project duration by 187 days. **SUMMARY:** On June 2, 2020, the Board of County Commissioners (Board) approved Amendment No. 21 (R2020-0559) to the continuing construction manager at risk contract with Robling Architecture Construction, Inc. (Robling) in the amount of \$775,570.08. Amendment No. 21 authorized construction phase services to reconfigure the existing floor plan at Fire Station No. 21 to include private bunkrooms, restrooms for staff, additional storage and a public restroom and entrance that are ADA (Americans with Disabilities Act) compliant. Change order No. 5 to Amendment No. 21 includes construction phase services for unforeseen conditions including additional required structural framing, the replacement of the existing heating ventilation and air conditioning (HVAC) systems and an extension of 187 days to the contract duration in order to complete the work. After construction commenced, staff identified the need to replace two older HVAC systems as the units are near the end of their service life and there are efficiencies to be gained by replacing them during the existing renovation project at Fire Station No. 21. This continuing construction management contract was presented to the Goal Setting Committee on February 20, 2019 and the Committee established an Affirmative Procurement Initiative of a 20% Small Business Enterprise (SBE) subcontracting goal on the contract. Robling was an SBE, at the time this continuing contract was approved. Robling committed to 35.97% for Amendment No. 21. The revised project cost after being adjusted for Change Order No. 5 is \$887,456.29. The SBE participation for Change Order No. 5 is 74.77%. The overall SBE participation on the annual contract is 37.33%. Robling is a local business. The funding source for this project is from the Fire Rescue Improvement fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Work Order No. 22-004 to the annual minor construction contract with All-Site Construction Inc. (All-Site) (R2020-0142) for the Fire Station #45 – Bunk Room Addition Rebid project in the amount of \$662,103 for a period of 365 calendar days from permit issuance. **SUMMARY:** On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract with All-Site for repairs, improvements and renovations to County properties. Work Order No. 22-004 authorizes the addition of 775 square feet to the existing one-story Fire Station #45 to include ten new sleeping rooms (bunk rooms), and an extension to the existing weight room. Additionally, the work includes, but is not limited to, new signage in the renovated/added areas; reconfiguration of the existing mechanical duct work; modifications to the existing fire sprinkler system, existing fire alarm, existing intrusion alarm and closed-circuit television systems for the building; modifications to tie-in the new addition into the existing generator; new parking stalls; new foundation landscaping; and revisions to the existing site drainage system. Fire Rescue requested the aforementioned changes to accommodate the existing employees and the potential for additional staffing needs during natural disasters and emergencies. This project was competitively advertised, and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The contractor, All-Site, will have 365 calendar days from permit issuance to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$211 per day. On August 21, 2019, the Goal Setting Committee applied the following Affirmative Procurement Initiatives (API) for this annual contract: 1) Sheltered market for projects less than \$100,000, when three or more Small Business Enterprises (SBE) are qualified; or 2) 10% SBE Price Preference for single-trade projects \$100,000 or greater; or 3) a minimum mandatory 25% SBE subcontracting goal for multi-trade projects \$100,000 and over. Since this is a multi-trade project over \$100,000, the applicable API is a mandatory subcontracting goal of 25%. All-Site is a Small/Minority Business Enterprise and committed to 80.35% SBE participation on this work order. To date, the overall SBE participation on the annual minor construction contract is 81.62%. All-Site is a local business. Funding for this project is from the Fire Rescue Improvement fund. (Capital Improvements Division) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. ~~Staff recommends motion to approve: a Termination Agreement with Ultimate Bakery and Pastry Inc., terminating the Concessionaire Lease Agreement (R2020-0125) for the operation of a food service concession at the County's Vista Center 2300 Building effective February 8, 2022. **SUMMARY:** On February 4, 2020, the Board of County Commissioners (Board) approved a Concessionaire Lease Agreement (Agreement) with Ultimate Bakery & Pastry Inc. (Ultimate) for the operation of a food service concession at the County's Vista Center 2300 Building. In mid-March 2020, State and Local emergency orders associated with the Covid-19 pandemic forced area buildings and business closures. While Ultimate remained open and continued to provide services, a reduction in customers due to decreased on-site County staffing and area business closures, resulted in reduced business. Ultimate requested rental abatement to assist in offsetting the financial loss resulting from the business volume reduction; however, they were not in full compliance with the Concessionaire Lease Agreement (i.e. there were issues with insurance, menu and pricing, and equipment). Staff worked with Ultimate to bring the Agreement into full compliance in an effort to support Ultimate's request for rental abatements. Full compliance with the Concessionaire Lease Agreement was reached in June 2021. Staff was in the process of evaluating the request for rental abatement when, on July 12, 2021, Ultimate notified the County that due to the impacts of Covid-19 on its business and personal health issues, it is no longer capable of operating the concession. Therefore, Ultimate requested termination of the Concessionaire Lease Agreement. This Termination Agreement terminates the Concessionaire Lease Agreement; provides abatement of rental payments retroactively to August 1, 2021 through the termination effective date; provides Ultimate access to the premises for 60 days from the termination effective date for restoration of premises, removal of equipment and acceptance of the premises by the County; and releases all claims each party may possess against the other. Upon restoration completion and premise acceptance, Ultimate's \$5,000 deposit will be returned. The Property and Real Estate Management Division will manage and administer the Termination Agreement. (Property & Real Estate Management) District 7 (HJF)~~

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a License Agreement with the Delray Beach Public Library Association, Inc., for the installation of Ticket Vending Machines for the sale of Palm Tran bus passes at the Delray Beach Library, commencing on February 8, 2022 and expiring upon notice of termination by either party, with no annual rent. **SUMMARY:** Palm Tran is launching a new fare collection system that includes smart cards for the payment of bus fares. The Ticket Vending Machines (TVMs), which will be located at the Delray Beach Library provides customers an additional location for the purchase of both discounted and full price Palm Tran bus passes and tickets, allows customers to add funds and manage their accounts and, in the future, will facilitate regional interoperability. Under this agreement, the Delray Beach Public Library Association, Inc. (Library) will provide space within the Delray Beach Library for Palm Tran to locate the new TVMs. Palm Tran will provide and maintain the equipment and Library will provide the space and electricity to operate the TVM at no cost to Palm Tran. This agreement will continue in effect until terminated by either party. Palm Tran will manage this agreement. (Property & Real Estate Management) Countywide/District 7 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file: Amendment 001 to Agreement R2021-1521 with the City of South Bay for code enforcement activities funded under the Fiscal Year 2021/2022 Community Development Block Grant (CDBG) Program to revise the projected expenditure budget, Exhibit “E” and replace with Exhibit “E-1”. **SUMMARY:** Amendment 001 to Agreement R2021-1521 with the City of South Bay revises the projected expenditure budget to disclose the salary breakdown of one Code Compliance Officer. The document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 3I-4, (R2021-1521) as approved by the BCC on October 19, 2021. 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 CDBG funds, which do not require a local match.** District 6 (HJF)

2. Staff recommends motion to receive and file: a letter confirming the termination of the Economic Development Incentive Agreement with Modernizing Medicine, Inc. (Company). **SUMMARY:** On August 15, 2017, Palm Beach County entered into an Economic Development Incentive Agreement (R2017-1112) (the Agreement) with the Company to provide an economic development incentive in the amount of \$576,400 over a period of nine years. Under the Agreement, the Company was required to make a minimum capital investment of \$15 Million to acquire, renovate and equip a 210,000 square foot facility, create 838 new jobs over a six-year period and retain 327 existing full time jobs. The Company was also required to maintain the new jobs for five years from the date of creation and to maintain the existing retained jobs for five years from the date the Agreement became effective. On September 13, 2021, the Company sent a letter to the Department of Housing and Economic Development (HED) terminating the Agreement pursuant to Part 5, Section 2 of the Agreement, which states that “the Company may elect to terminate this Agreement at any time by providing 60 days written notice of such termination to the County”. HED has agreed to the termination of the Agreement between Modernizing Medicine, Inc., and Palm Beach County. District 4 (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: the following appointments to the Treasure Coast Regional Planning Council (TCRPC) Comprehensive Economic Development Strategy (CEDS) Committee, for a two year term (January 1, 2022 to December 31, 2023).

Appoint:
Sherry Howard

Alternate:
Alan Chin Lee

Nominated By:
Mayor Weinroth
Vice Mayor Weiss
Comm. Marino
Comm. Kerner
Comm. McKinlay
Comm. Bernard

Peter Pignataro

Julia Dattolo

Mayor Weinroth
Vice Mayor Weiss
Comm. Marino
Comm. Kerner
Comm. McKinlay
Comm. Bernard

Tammy Jackson Moore

Donia A. Roberts

Mayor Weinroth
Vice Mayor Weiss
Comm. Marino
Comm. Kerner
Comm. McKinlay
Comm. Bernard

Reappoint:
Gary Hines

Alternate:
Shawn Rowan

Nominated By:
Mayor Weinroth
Vice Mayor Weiss
Comm. Marino
Comm. Kerner
Comm. McKinlay
Comm. Bernard

Thuy Shutt

Tim Tack

Mayor Weinroth
Vice Mayor Weiss
Comm. Marino
Comm. Kerner
Comm. McKinlay
Comm. Bernard

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. **(Cont'd) SUMMARY:** The TCRPC manages and maintains the CEDS Committee, which is a requirement of the U.S. Department of Commerce Economic Development Administration, whose purpose is to oversee and guide regional economic development planning. The Committee is comprised of five appointees from each of the four counties of the Treasure Coast Region (Palm Beach, Martin, St. Lucie and Indian River). Every two years, TCRPC requests the Board of County Commissioners as the appointing authority for Palm Beach County, to review its existing CEDS members, and appoint or reappoint members and alternates who can represent the main economic interests of the region. Staff conducts targeted outreach in an effort to proffer candidates that contribute to a diverse representation on the Committee. The diversity count of the five representatives recommended for appointment/reappointment demonstrates a racial/ethnic breakdown as follows: Caucasian: 3 (60%); African-American: 1 (20%); and, 1 Asian-American (20%). The gender ratio (female:male) is 3:2. Countywide (RB)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the appointment of a new member to the Land Development Regulation Advisory Board (LDRAB), for the term of February 9, 2022, to February 4, 2025.

<u>Nominees</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Drew Martin	17	At-Large Alternate	Sierra Club, Loxahatchee Group

SUMMARY: The LDRAB is comprised of 16 members and 2 at-large alternate members. The term of office for Board members is three years, with a limit of three consecutive three-year terms. Nine of the members shall be appointed by a majority of the Board of County Commissioners (BCC) upon a recommendation by the following organizations: Gold Coast Builders Association, League of Cities, Florida Engineering Society, American Institute of Architects, Environmental Organization, Realtors Association of the Palm Beaches, Florida Surveying and Mapping Society, Associated General Contractors of America and The Palm Beach County Planning Congress. Seven members will be appointed by the BCC; one from each Commissioner as a district appointment, with consideration of expertise stated in Article 2.G.3.A.3.b. The BCC shall also appoint two at-large alternate members, by a majority vote of the BCC with consideration of the expertise noted above. The Board consists of 18 total members (16 members and 2 at-large alternate members), with 14 seats currently filled and a diversity count of Caucasian: 11 (79%), African-American: 1 (7%), Hispanic-American 2 (14%). The gender ratio (male: female) is 10:4. Mr. Drew Martin is a Caucasian male. Staff will continue to address the need to increase diversity on our boards. Unincorporated (SS)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Consulting/Professional Services Capital Improvement Plan Program Management Contract (Contract) with Stantec Consulting Services Inc., (Consultant) for Program Management and Implementation Services (Project) for a not to exceed amount of \$4,027,970.60. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0161) with Consultant. CSA No. 3 provides for the resources needed to support the implementation of Capital Improvement Plan projects for one year. The Consultant will provide services throughout the project life cycle of water, wastewater and reclaimed water treatment and transmission projects in the areas of delivery, controls, permitting, communications, and asset management. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On March 20, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms. The Contract provides for 25% SBE participation, which includes 25% M/WBE participation, 22% MBE (B) and 3% WBE. CSA No. 3 includes 38.41% SBE participation, which includes 38.41% M/WBE participation, 34.94% MBE (B) and 3.46% WBE. The cumulative SBE participation including CSA No. 3 is 35.24% SBE, which includes 35.24% M/WBE participation, 32.28% MBE (B) and 2.96% WBE. Consultant is a New York registered U.S. company whose parent company is domiciled in Canada. Most members of the Consultant project team will be co-located with PBCWUD staff at the Central Region Operations Center from which the majority of the work under CSA No. 3 will be undertaken. The Project is included in the PBCWUD FY22 budget. (PBCWUD Project No. 20-010) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve:

A) a contract for the Water Treatment Plant No. 2 Treatment and Disposal Improvements Design Package 2 – Deep Injection Well (Project) with Youngquist Brothers, LLC (YBI) in the amount of \$15,749,876; and

B) Consultant Services Authorization (CSA) No. 2 to the Contract for Consulting/Professional Services Water Treatment Plant #2 Treatment and Disposal Improvements (WTP 2 Contract) with Kimley-Horn and Associates, Inc. (KHA) for Construction Phase Services for a not to exceed amount of \$1,620,534.12.

SUMMARY: On July 1, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received two bids for the Project (PBCWUD Project No. 18-066R). The Project includes furnishing all materials, labor, supervision, equipment, supplies, fees, expertise and services necessary to construct: one Class I injection well, including the installation of wellhead components; one associated dual-zone deep monitor well including the installation of wellhead components; four water-table monitor wells; concrete slabs for well pads; secondary containment, waste brine storage tank, piping and pumps; asphalt and shellrock access road; and all electrical, instrumentation, piping, valves, pumps, paving, general civil site and other appurtenances for a complete fully functioning system. This Project was procured under the requirements of the Equal Business Opportunity Ordinance (EBO). On January 20, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative (API) of a minimum mandatory 5% Small Business Enterprise (SBE) subcontracting participation goal. On September 15, 2021, All Webbs Enterprises, Inc. (AWE) filed a bid protest claiming AWE did not receive participation credit for its forces and the selection criteria limited qualification to one bidder. On October 5, 2021, the Director of Purchasing recommended the bid protest be denied. No further action was taken on behalf of AWE. YBI was determined to be the lowest responsive and responsible bidder in the amount of \$15,749,876. YBI has met the established API for this Project. The contract with YBI provides for 7.7% SBE participation. On June 30, 2021, a verified complaint and petition for writ of mandamus was filed, whereby YBI sued the Board of County Commissioners (BCC), Palm Beach County. This lawsuit arose from the cancellation of the previous bid in this matter, in which YBI was the apparent low bidder. The County and YBI have agreed to temporarily stay the lawsuit pending the BCC's vote on the contract with YBI. On September 18, 2018, the BCC approved the PBCWUD WTP 2 Contract (R2018-1385) with KHA to provide consulting/professional engineering services. Under CSA No. 2, KHA will provide services during construction of the Project. The WTP 2 Contract with KHA was procured under the requirements of the 2002 SBE Ordinance (R2002-0064) prior to the adoption of the new EBO Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The WTP 2 Contract provides for 54% SBE participation, which includes 4% M/WBE participation. CSA No. 2 includes 78.36% SBE participation, which includes 3.86% M/WBE participation. The cumulative SBE participation including CSA No. 2 is 60.25% SBE, which includes 14.82% M/WBE. KHA is headquartered in Raleigh, North Carolina, 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 FY22 budget. (PBCWUD Project Nos. 18-066R Contract and PBCWUD Project No. 18-066 CSA No. 2) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to:

A) approve the acceptance of a Community Development Block Grant Mitigation Program (CDBG-MIT) Subrecipient Agreement (Agreement) with the State of Florida Department of Economic Opportunity (DEO) in the amount of \$2,710,000 for the Western Region North Wastewater Treatment Facility (WRNWWTF) Electrical and Wet Weather Improvements (Project). This Agreement is effective as of the date DEO executes this Agreement and ends 48 months after execution by DEO;

B) approve an Environmental Review Exemption Certification Form with DEO;

C) approve a budget amendment of \$2,710,000 in the Palm Beach County Water Utilities Department (PBCWUD) Capital Improvement Fund to recognize the \$2,710,000 grant revenue from the agreement. The Catalog of State Financial Assistance No. is 14.228; and

D) authorize the County Administrator or designee to execute amendments, sub-recipient funding agreements, amendments thereto, and all other documents necessary for the implementation of the grant award.

SUMMARY: The DEO has allotted \$75 million in CDBG-MIT funding to the Rebuild Florida Critical Facility Hardening Program that assists units of general local government and state agencies to harden critical buildings that serve a public safety purpose for local communities. The Project consists of electrical system upgrades and wet weather improvements intended to mitigate risk of power failure at the facility and wastewater overflow that potentially could occur at the facility during severe storms, both of which can disrupt effective wastewater treatment. Awards were distributed on a competitive basis targeting U.S Department of Housing and Urban Development designated Most Impacted and Distressed (MID) Areas, primarily addressing the Benefits to Low-to-Moderate Income (LMI) National Objective. WRNWWTF is located in Pahokee, which met program MID and LMI requirements. The Project is included in the PBCWUD FY22 budget. (PBCWUD Project No. 19-035) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve:

A) Consultant Services Authorization (CSA) No. 2 to the Consulting/Professional Services Lift Station Rehabilitation (Contract) with Barnes, Ferland and Associates, Inc. (BFA) for the Lift Station Rehabilitation Bid Package 5 (BP 5 Project) for a not to exceed amount of \$901,330.82; and

B) CSA No. 2 to the Consulting/Professional Services Lift Station Rehabilitation (Contract) with EAC Consulting, Inc. (EAC) for the Lift Station Rehabilitation Bid Package 4 (BP 4 Project) for a not to exceed amount of \$994,520.99.

SUMMARY: On May 18, 2021, the Board of County Commissioners (BCC) approved Palm Beach County Water Utilities Department (PBCWUD) Contract (R2021-0680) with BFA and (R2021-0682) with EAC. The Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On June 3, 2020, the Contract was presented to the Goal Setting Committee and a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms were the Affirmative Procurement Initiatives applied. CSA No. 2 with BFA provides for professional engineering services relating to design and permitting of BP 5 Project. These services include condition assessment reviews, utility locates, surveying, geotechnical engineering services, construction plans, permitting and bid support services for the rehabilitation and refurbishment of 25 Lift Stations (LS) throughout the PBCWUD service area. The Contract with BFA provides for 90% SBE Participation, which includes 90% MBE participation, 68% MBE (B), 20% MBE (H), and 2% MBE (A). CSA No. 2 with BFA provides for 94.69% SBE participation, which includes 94.69% MBE participation, 69.36% MBE (B), 25.33% MBE (H), 0% MBE (A). The cumulative SBE participation, including CSA No. 2 is 94.77%, which includes 94.77% MBE participation, 69.64% MBE (B), 25.13% MBE (H), and 0% MBE (A). The BP 5 Project is included in the PBCWUD FY22 budget. (PBCWUD Project No. 21-088). CSA No. 2 with EAC provides for professional engineering services relating to design and permitting of BP 4 Project. These services include condition assessment reviews, utility locates, surveying, geotechnical engineering services, construction plans, permitting and bid support services for the rehabilitation and refurbishment of 25 LS throughout the PBCWUD service area. The Contract with EAC provides for 49% SBE Participation, which includes 29.5% MBE participation, 26% MBE (B) and 3.5% MBE (A). CSA No. 2 with EAC provides for 70.43% SBE participation which includes 48.02% MBE participation, 37.36% MBE (B) and 10.65% MBE (A). The cumulative SBE participation, including CSA No. is 67.37%, which includes 43.87% MBE participation, 32.12% MBE (B), and 11.74% MBE (A). The BP 4 Project is included in the PBCWUD FY22 budget. (PBCWUD Project No. 21-087). Countywide (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Task Order No. 1542-12 to Contract (R2019-1542) with Aptim Environmental & Infrastructure, LLC (APTIM) in an amount not to exceed \$202,198.42 providing for sea turtle monitoring services during the 2022 sea turtle nesting season. **SUMMARY:** The Board of County Commissioners approved the Contract with APTIM, a Palm Beach County company, on October 8, 2019 (R2019-1542). Task Order No. 1542-12 authorizes APTIM to manage permit-required sea turtle monitoring activities in association with the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project, the Ocean Ridge Shore Protection Project, and the Singer Island Dune Restoration Project. The Task Order is funded by the Beach Improvement Fund and is eligible for cost sharing from the Florida Department of Environmental Protection. The Contract requires APTIM to adhere to 20% mandatory Small Business Enterprise (SBE) subcontracting goal as the Affirmative Procurement Initiative. APTIM committed to an overall 25% SBE participation in the contract. SBE participation for this Task Order is 96.44%. The cost to the County is \$202,198.42. Districts 1 & 4 (YBH)

2. Staff recommends motion to approve: Work Order No. 0511-02 to the Palm Beach County (PBC) Dune and Beach Restoration Annual Construction Contract (Federalized), Project No. 2021ERM01 (R2021-0511), with Rio-Bak Corporation (Rio-Bak) at a cost not to exceed \$1,395,940.40 providing for dune restoration services for the North County Comprehensive Shore Protection Project - 2022 Segment 2 Dune Restoration (Project) for a term of 60 days. **SUMMARY:** On April 20, 2021, the Board of County Commissioners approved the Contract (R2021-0511) with Rio-Bak, a PBC company. Work Order No. 0511-02 will authorize the construction of the beach dune at the Project. The Project is funded by the PBC Beach Improvement Fund (\$873,632.61), FEMA disaster assistance in response to Hurricane Dorian (\$382,713.75), and through an Interlocal Agreement with the Town of Jupiter (\$139,594.04). The State and Federal agreements prohibit local geographical preferences in construction procurements involving federal funds, so the County's Office of Equal Business Opportunity Program, Local Preference, Glades Local Preference, Glades Resident Incentive, and Apprentice Incentive could not be included in this competitive solicitation. The cost to the County is \$873,632.61 from the PBC Beach Improvement Fund. District 1 (YBH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) approve State Mosquito Control Memorandum of Understanding (MOU) Contract No. 28280 with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control activities performed during contract period upon execution to September 30, 2022;

B) approve a budget amendment of \$50,689 in the State Mosquito Control Fund to align the budget with a decrease in the grant award amount; and

C) authorize the County Administrator or designee to sign all future time extensions, task assignments, certifications, and other forms associated with the MOU that do not substantially change the terms or conditions of the MOU.

SUMMARY: On December 8, 2020 (R2020-1819), the Board of County Commissioners (BCC) approved State Financial Assistance Recipient Agreement No. 27303 with FDACS for an amount not to exceed \$50,689. The agreement provides state aid in quarterly installments to support mosquito control activities including source reduction measures, public education, personnel training and certification, mosquito population surveillance, larvacides, adulticides, equipment and alerts as approved by FDACS. On June 15, 2021, the BCC approved the Detailed Work Plan Budget required by FDACS as part of the re-application process for state aid for FY2022. The County anticipated receiving a new agreement from FDACS in the amount of \$50,689. However, no grant assistance was awarded for FY2022. Although this loss of revenue will reduce the amount of chemical acquired for mosquito control operations, the Mosquito Control Division maintains a sufficient supply for normal operations and can continue to meet the necessary level of service for the County. The Mosquito Control Division is still responsible for the completion of monthly deliverables as stated in the MOU. This MOU is required by Florida Administrative Code Rule 5E-13.022 for counties that are not eligible to receive state aid for control of arthropods, but want to remain in the state-approved program. The benefit to the County staying in the state-approved program is maintaining the status of Palm Beach County's Mosquito Control Division as "state-approved", providing legitimacy and guidance of the FDACS while servicing Palm Beach County residents. **There is no cost to the County.** Countywide (SS)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) ratify the Mayor's signature on FY20 Florida Department of Law Enforcement (FDLE), Edward Byrne Memorial Justice Assistance Grant (JAG) award number 2021-JAGC-PALM-4-3B-112 in the amount of \$20,000 to fund PalmFUSE from October 1, 2020 through September 30, 2022;

B) approve a downward budget amendment of \$57,263 in the Criminal Justice Service Grant Fund to adjust to award amount; and

C) approve the elimination of the grant-funded Program Coordinator position from the CJC staffing complement.

SUMMARY: On November 2, 2021, the Board ratified the Mayor's signature on the JAG Grant applications (R2021-1623). Palm Beach County was allocated \$20,000 in FY20 JAG funds (County FY21) to fund PalmFuse from October 1, 2020 through September 30, 2022. The grant was budgeted for \$77,263, which was an estimate based on prior year FDLE funding. This downward budget amendment reduces the grant budget to the final award amount of \$20,000. Due to time constraints, the award was signed to expedite the process of accepting the application. The PalmFUSE Program was a three-year pilot project to break the cycle of incarceration and homelessness among individuals with complex behavioral health challenges. Grant funding was allocated to fund a Program Coordinator (pay grade 30) position. The grant funding for this position ended September 30, 2021. Therefore, staff is requesting approval to eliminate this position from the CJC staffing complement. **No county match is required.** Countywide (JW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to ratify:

A) a FY 2021 Assistance to Firefighters Grant (AFG) application electronically submitted to the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) on December 17, 2021, requesting \$711,956 to fund 90% of the purchase of 44 automatic chest compression devices, for a term of 24 months beginning from the date of award; and

B) the designation of the County Administrator or designee to act as the County's representative for the purpose of electronically signing and submitting the FY 2021 AFG grant application, including Assurances and Certifications via the DHS FEMA website.

SUMMARY: This grant application requests \$711,956 from DHS FEMA for the purchase of 44 automatic chest compression devices, which will be added to our front line Advanced Life Support (ALS) engines. The total project cost identified in the grant application is \$783,151.60. The required match for this grant is \$71,195.60 (10% of the federal share), which will be funded from Fire Rescue's contingency reserve. If awarded, the grant will add automatic chest compression devices to all front line engines that do not currently have this device. This device performs automated CPR on a patient and is already on all our frontline rescue units. Performing effective manual chest compressions is exceedingly difficult, the quality varies depending on the responder and the first responder performing CPR gets fatigued quickly. As this happens, the effectiveness of manual chest compressions decreases. Having this device on all front line units will standardize cardiac arrest care and will also reduce the exposure to COVID-19 and other communicable diseases by limiting the first responder's proximity to the patient. The investment to add these devices to our ALS engines will provide immeasurable benefits to our citizens. Due to the preparation time, submittal deadlines known at the time, and BCC meeting dates, the grant application had to be submitted under the emergency process prior to full Board approval. Countywide (SB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to approve: the disposal of 150 fare boxes by donating them to Miami-Dade Department of Transportation and Public Works for \$0.00. **SUMMARY:** Palm Tran needs to dispose of 150 fare boxes that have reached the end of their useful life. Palm Tran recommends donating these fare boxes in lieu of disposing as scrap. The fare boxes are only used by public transit agencies and there is no known market for the sale of these items. In accordance with County PPM CW-O-067, Palm Beach County may donate its surplus tangible personal property to other governmental units (as defined in section 274.01(1) F.S.) or private nonprofit agencies (as defined in section 273.01(3) F.S.). Palm Beach County's Fixed Asset Management Office (FAMO) is unable to determine a fair market value for these items prior to completion of a sale. FAMO concurs that donation of the fare boxes would be a more viable option, and that the fare boxes will continue to serve a public purpose, since a fair market value would be difficult to establish. Countywide (MM)

CC. SHERIFF

1. Staff recommends motion to approve: a budget transfer of \$150,000 from the Federal Justice Law Enforcement Trust Fund (LETFF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** The 2018 Guide to Equitable Sharing for State, Local and Tribal Law Enforcement Agencies (GUIDE), provides that seizing law enforcement agencies shall use Justice and Treasury Forfeiture proceeds for law enforcement purposes only. Permissible uses include: law enforcement operations and investigations; law enforcement training and education; law enforcement, public safety, and detention facilities; law enforcement equipment; joint law enforcement/public safety operations; contracts for services; law enforcement travel and per diem; law enforcement awards and memorials; drug, gang and other prevention or awareness programs; matching grants; and support of community-based organizations. The transfer of Federal Justice LETFF requested above provide equipment for the PBSO Maritime Radar Project. The current Federal Justice LETFF balance is \$194,907. Approval of this request will reduce the Federal Justice LETFF balance to \$44,907. The PBSO certifies that the use of these funds is in accordance with the GUIDE. No new positions are needed and no additional County funds are required. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. Staff recommends motion to approve: a budget transfer of \$420,500 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Section 932.7055(5), Florida Statutes, provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. Section 932.7055(5), Florida Statutes, also requires that no less than 25% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2022 donation requirement is \$130,243. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$420,500. The funds requested are to aid PBSO and qualified organizations that meet the requirements set forth in Section 932.7055(5), Florida Statutes. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$2,697,325. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,276,825. The PBSO certifies that the use of these funds is in accordance with Section 932.7055(5), Florida Statutes. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (LDC)

ORGANIZATION	AMOUNT
Anti-Defamation League	\$30,000
Best Foot Forward Foundation, Inc.	\$5,000
Boca West Community Charitable Foundation, Inc.	\$32,000
Elizabeth H. Faulk Foundation, Inc.	\$20,000
Faith's Place Center for Arts Education, Inc.	\$50,000
Florida Sheriff's Youth Ranches, Inc.	\$130,000
Grandma's Place, Inc.	\$25,000
Habitat for Humanity South Palm Beach, Inc.	\$10,000
Hands Together for Haitians, Inc.	\$10,000
Hanley Foundation, Inc.	\$5,000
Meals on Wheels of the Palm Beaches, Inc.	\$10,000
Palm Beach Area Tennis Patrons, Inc.	\$25,000
Palm Beach County BCC – Public Safety Department	\$10,000
Safety Council of Palm Beach County, Inc.	\$3,500
Sunset House, Inc.	\$15,000
Wounded Veterans Relief Fund, Inc.	\$25,000
YMCA South Palm Beach County, Inc.	\$15,000
Total Amount	\$420,500

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: three fully executed Palm Beach County FY2021 Grant Agreements managed by the Palm Beach County Sports Commission, Inc on behalf of the Palm Beach County Tourist Development Council (TDC) with:

A) Men’s Senior Baseball League, Inc. for the promotion of the MSBL Fall Classic, held from November 6 - 20, 2021, for the term August 6, 2021 – February 20, 2022. This grantee was approved by the TDC on September 9, 2021, in the amount of \$35,000;

B) American Junior Golf Association, LLC. for the promotion of the Rolex Tournament of Champions, held from November 20 – 25, 2021, for the term July 20, 2021 – March 25, 2025. This grantee was approved by the TDC on September 9, 2021, in the amount of \$14,000; and

C) Pinnacle Sports 3V3 Live, LLC. for the promotion of the 3V3 Live National Championships, held from November 27 – 28, 2021, for the term July 27, 2021 – February 28, 2022. This grantee was approved by the TDC on October 10, 2021, in the amount of \$16,000.

SUMMARY: 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. On June 7, 1994, the Board of County Commissioners adopted resolution (R94-702) authorizing the Executive Director of the Tourist Development Council to enter into grant agreements with Category G (Sports) grantees after they have been approved by the Tourist Development Council. Combined, these agreements generated a total of 7,643 room nights, and also funded events which promoted sports tourism in Palm Beach County. Districts 1 & 7 (AH)

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FEBRUARY 8, 2022

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. PALM TRAN

1. Staff recommends motion to:

A) adopt a resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, authorizing the signing and submission of the FY2023 Section 5310 grant application in the amount of \$980,100, with a required local match of \$108,900 for a total project cost of \$1,089,000, and the submission of supporting documents, and assurances to the Florida Department of Transportation (FDOT);

B) authorize the County Administrator or designee to sign and accept the resulting grant award letter with terms consistent with the grant application and resolution authorizing the grant application’s signing and submission;

C) approve the purchase of paratransit vehicles from the FDOT TRIPS Contract, pursuant to the terms and conditions of the application and resulting Notice of Grant Award allotted funds; and

D) authorize the County Administrator or designee to submit the Order Form for the FDOT TRIPS Contract to request purchase of the vehicles and expenditure of grant funds and local match pursuant to the resulting Notice of Grant Award.

SUMMARY: Palm Tran is submitting an application for the acquisition of replacement paratransit vehicles at a total cost of \$1,089,000. The vehicles being replaced were purchased in 2015 with Public Improvement Revenue Bond funds and have reached the end of their useful life. The grant requires a local match of \$108,900 (10%). The required match is included in Palm Tran’s FY2022 budget. The application amount will cover the estimated cost to replace 11 vehicles; the actual award amount will be determined by funds available under Section 5310 after all applications have been reviewed by FDOT. The grant agreement contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. The grant requires the County, to the extent permitted by law and in accordance with the provisions of Section 768.28, Florida Statutes, to indemnify, defend, and hold harmless FDOT and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of the County’s non-compliance in the performance of this agreement, including that of its officers, agents, or employees. The indemnification obligation must also be passed on to contractors and/or consultants. An exception to the indemnification language approved by the County’s PPM is potentially warranted here, taking into consideration the County’s need to provide the services, the amount of the grant award, the County’s current performance of such services and liability for its own acts, and the non-waiver of sovereign immunity beyond the statutory caps of Section 768.28, Florida Statutes. As a result, the Risk Management Department and the County Attorney’s Office do not object to this exception to the standard and have advised Palm Tran to present this matter directly for Board approval. Countywide (MM)

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6. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to approve: the third amendment to the Palm Beach County's State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for Fiscal Years 2019/2020, 2020/2021 and 2021/2022. **SUMMARY:** On December 1, 2021, the Commission on Affordable Housing (CAH) adopted its 2021 Affordable Housing Incentives Review and Recommendations Report (the Report), including 9 recommendations addressing 11 affordable housing incentive areas identified in Section 420.9076(4), Florida Statutes. The recommendations were developed through a process that included input from community and industry stakeholders and consultation with the Department of Housing and Economic Development, the Department of Planning, Zoning and Building, and the Engineering and Public Works Department. Staff supports or partially supports eight of the CAH recommendations, which relate to expedited approvals, review of fees, infrastructure capacity, accessory dwelling units, street requirements, inventory of public lands, development near transportation hubs and flexible zoning. Staff does not support the CAH recommendation that would expand the responsibilities of the Land Development Regulation Advisory Board. A summary of the CAH recommendations and staff comments and recommendations is included as Attachment 1 to this agenda item. The Report is provided as Attachment 2 to this agenda item. The Board of County Commissioners (BCC) has the sole authority to approve the LHAP, amendments thereto, and the housing incentives contained therein. Staff recommends that the BCC approve the proposed third amendment to the Palm Beach County SHIP Program LHAP, incorporating the eight staff supported CAH recommendations into the descriptions of affordable housing incentives which the County implements. The approved third amendment will be sent to the Florida Housing Finance Corporation by the March 1, 2022 deadline. Countywide (HJF)

6. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to approve: Amendment No. 7 to the General Consulting Agreement with AECOM Technical Services, Inc. (AECOM) for Consulting/Professional Services in the amount of \$1,763,111.51 and to exercise the second one year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement with AECOM for general airport planning and design was approved by the Board on March 12, 2019 (R2019-0301) in the amount of \$828,984.74 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on August 20, 2019 (R2019-1160) increasing the amount of the contract by \$1,032,651.29. Amendment No. 2 was approved by the Board on February 4, 2020 (R2020-0079) increasing the amount of the contract by \$1,753,356.78. Amendment No. 3 was approved by the Board on June 16, 2020 (R2020-0639) increasing the amount of the contract by \$885,789.10. Amendment No. 4 was approved by the Board on October 6, 2020 (R2020-1514) increasing the amount of the contract by \$1,789,325 and modified Article 21, Access and Audits, of the agreement. Amendment No. 5 was approved on February 9, 2021 (R2021-0233) exercising the first one year renewal option. Amendment No. 6 was approved by the Board on August 17, 2021 (R2021-1160) increasing the amount of the contract by \$1,583,691.58. Approval of Amendment No. 7 will allow the County, at its sole discretion, to exercise the second one-year renewal option for the continuation of services provided under this agreement and will provide an additional \$1,763,111.51 to complete the following tasks: Task I Services - Palm Beach County Park Airport (LNA) Fence and Security Improvements Construction Administration (CA)/Construction Management (CM) Services; Palm Beach International Airport (PBI) Vehicle Service Road Relocation CA/CM Services; PBI Hold Position and Runway Guard Lights CA/CM Services; Palm Beach County Glades Airport (PHK) Runway 18-36 and Taxiway Rehabilitation CA/CM Services; Palm Beach County Department of Airports Minimum Standards and Rules; LNA and North Palm Beach County General Aviation Airport (F45) Precision Approach Path Indicators Replacement; PBI Airfield Electrical Vault Expansion; PBI Chiller 4 and 5 Replacement CA Services; Miscellaneous Planning & Engineering Services 2022; PBI Cargo Expansion - Preliminary Planning; and Task III Services - Miscellaneous Planning and Engineering Services. Work to be completed under these Task III Services will be issued in accordance with PPM CW- F-050, by way of a separate proposal or task authorization. AECOM is a Los Angeles, California based firm; however, the majority of the work to be completed in this agreement will be completed and/or managed through their West Palm Beach and Tampa, Florida offices in conjunction with several Palm Beach County-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. AECOM committed to 18% in its proposal. The anticipated DBE participation based upon the approved tasks is approximately 27.98%. The current paid to date DBE participation is approximately 14.21%. The DBE participation for this Amendment is approximately 21%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

B. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 2 to the Construction Manager (CM) at Risk Contract (Contract) with Lebolo Construction Management, Inc. (LCM) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$777,546.69 and 241 calendar days for Work Order SL 07: Terminal Building 4th Level Exterior Wall Repairs at Palm Beach International Airport (PBI). **SUMMARY:** The CM at Risk Contract with LCM was approved by the Board on August 20, 2019 (R2019-1222). The Contract is for two years with three, one-year renewal options for CM at Risk Services for Airport Improvements for the Department. LCM is a Boynton Beach, Florida, based firm. Amendment No. 1 exercising the first one-year renewal option was approved by the Board on July 13, 2021 (R2021-0888). The Contract value to date is \$192,370.04. Approval of Amendment No. 2 in the amount of \$777,546.69 and 241 calendar days will enable LCM to complete Work Order SL 07: Terminal Building 4th Level Exterior Wall Repairs at PBI. The Main Terminal roof at PBI is due for a replacement under a separate project. This project will mitigate other sources of water intrusion to the terminal prior to the roof replacement. The scope of work under this project includes stucco repairs, replacement of joint sealant and waterproof coatings to the elevator towers and mechanical penthouses. It also includes replacement of mechanical louvers, access panels and six ventilation fans located on the roof. The project was presented to the Goal Setting Committee on September 1, 2021 and an Affirmative Procurement Initiatives of 20% Small Business Enterprise (SBE) participation was applied. The S/MBE subcontracting participation on this work order is 32%. LCM's S/MBE teaming partner, Hatcher Construction & Development, will provide 15% of the Construction Management Fees. Countywide (AH)

6. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: eleven resolutions to initiate eminent domain proceedings by declaring the acquisition of properties designated as parcels 109 and 137 as permanent right-of-way easements, parcels 239 and 242 as permanent drainage easements, parcels 240, 243, 244, 245, 246, and 253 as permanent easements, and parcels 305 and 346 as temporary construction easements, necessary for the construction of roadway improvements on Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Hall Boulevard (Project). **SUMMARY:** Adoption of these resolutions will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against 12 parcels having a total appraised value of \$243,323. The parcels are necessary for the widening and construction of the Project that will provide a five and six lane divided roadway section with new drainage, sidewalks, and paved shoulders/bike lanes. To date, the property owners have not accepted the offers to purchase made by Palm Beach County and attempts to negotiate the purchases have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. **This Project is included in the Five Year Road Program.** District 6 (DO)

D. ADMINISTRATION

1. Staff recommends motion to receive and file: Mid-Session Legislative Update for the 2022 Legislative Session. **SUMMARY:** County staff will present the 2022 Mid-Session Legislative Update to inform the Board of County Commissioners of what has transpired during the first half of the 2022 Legislative Session. The update will include the County's legislative and appropriation priorities that were approved by the Board of County Commissioners on November 2, 2021. Countywide (CK)

6. REGULAR AGENDA

D. ADMINISTRATION (Cont'd)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on February 24, 2022, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida; repealing Chapter 27, Article VI, Sections 27-111 through 27-117 of the Palm Beach County Code (Ordinance No. 93-3) in its entirety and replacing it with the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance; providing for a title; providing for applicability; providing for definitions; providing for year-round landscape irrigation conservation measures; providing for exceptions to the landscape irrigation schedules; providing for variances; providing for enforcement; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for savings clause; and providing an effective date. **SUMMARY:** The Palm Beach County (County) Water and Irrigation Conservation Ordinance (adopted in 1991 and repealed and replaced in 1993) is a Countywide ordinance that includes permanent restrictions on landscape irrigation and a regulatory framework and guidance document to help ensure consistent water and landscape irrigation conservation throughout the County. In an effort to increase water resources conservation and improve regulatory consistency with the South Florida Water Management District's (SFWMD) Mandatory Year-Round Landscape Irrigation Conservation Measures Rule that was adopted in 2010, it is necessary to adopt a new landscape irrigation conservation measures ordinance. In January 2021, the Palm Beach County Water Resources Task Force adopted a resolution encouraging the County, and all municipalities within the County, to promote water conservation through the adoption of local ordinances in accordance with the SFWMD Landscape Irrigation Rule. While the existing Water and Irrigation Conservation ordinance applies Countywide, based on discussion with the Palm Beach County League of Cities, Inc., this new Ordinance applies only to water users within unincorporated areas of the County. Countywide (MJ)

E. PARKS & RECREATION

1. ~~**ADD-ON: Staff recommends motion to name:** a roadway within John Prince Park to "Jay DiPietro Way."
SUMMARY: For nearly 30 years, Jay DiPietro served as Chairman of the Club Managers Association of America Florida Chapter Seminole Region (CMAA) Charity Golf Tournament and Gala, which raised funds for 10-12 charitable organizations supporting children with disabilities. One of those organizations was Special Olympics Florida-Palm Beach County operated by the Parks and Recreation Department. During his time as Chairman of the charity golf tournament and under his leadership, Mr. DiPietro and the CMAA donated over \$500,000 to Palm Beach County and Special Olympics Florida for the naming rights to the Therapeutic Recreation Complex in John Prince Park. Jay DiPietro was the long time General Manager of Boca West Country Club and an advocate for children particularly those with special needs. The roadway proposed to be named in his honor leads from Lake Worth Road to the Boundless Playground, a four-acre accessible playground that holds a special place in his heart. This request is being brought to the Board for approval at the request of Commissioner Maria Sachs. If approved, Parks will coordinate with Planning, Zoning and Building to have the name officially processed and will fabricate a street sign. District 3 (AH)~~

F. FACILITIES DEVELOPMENT & OPERATIONS

1. [Staff recommends motion to:](#)
 - A) request Board direction** regarding a conceptual Term Sheet with the University of Florida (UF) for the potential conveyance of approximately 5.03 acres of County-owned property in the City of West Palm Beach to UF for the purpose of the development of an Urban Campus;
 - B) approve** a conceptual Term Sheet with the UF for the potential conveyance of approximately 5.03 acres of County-owned property in the City of West Palm Beach to UF for the purpose of the development of an Urban Campus;
 - C) authorize** the County Administrator or designee, which in this case shall be the Director of the Facilities Development and Operations department, to commence negotiations with UF towards finalizing a Term Sheet and the development of a potential Conveyance Agreement based upon the approved conceptual Term Sheet; and
 - D) authorize** County staff to initiate the due diligence and master planning process for the County-owned 45th Street property (southeast corner of 45th Street and Australian Avenue in the City of West Palm Beach) required in preparation for the potential relocation of the Community Services Department.

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

1. **(Cont'd) SUMMARY:** On August 24, 2021, the mayors of the City of West Palm Beach (City) and Palm Beach County (County) held a joint press conference to announce an educational initiative for the region. The initiative provides for the conveyance of real estate owned by the City, County and a private third party(s) within the area historically known as Government Hill in downtown West Palm Beach to UF for the planning, design and construction of an urban educational campus focused on graduate, professional and executive programs. On August 31, 2021, the Board of County Commissioners (Board) instructed staff to commence conversations with UF and the City towards reaching mutual understandings and the necessary agreements for the development of an Urban Campus, and to consider four key elements: reversionary rights, use restrictions, closing costs and development timeline. On December 7, 2021, staff provided the Board a status report regarding the collaboration with UF and the City towards the development of the Urban Campus. Since then, staff and UF representatives have remained engaged in conversations towards developing a conceptual Term Sheet for approval by the Board. In mid-January 2022, UF notified staff that in order for the budget appropriation process to progress at the state level, additional reassurances as to the County's commitment towards the development of the Urban Campus were required. As a result, staff and UF representatives increased efforts towards reaching a final agreement on the conceptual Term Sheet. Although significant progress has been made and mutual agreements have been reached between County and UF staff on most terms, the conceptual Term Sheet being submitted today for approval by the Board reflects that further negotiations are required regarding **two material terms:** 1) the extent of the reversionary rights to be retained by the County, and 2) the definition of allowable private uses on County-owned properties. If the Board approves the conceptual Term Sheet as presented, staff will proceed to negotiate with UF towards finalizing the Term Sheet and drafting a Conveyance Agreement, which will include, among other matters, a clear approach to the two pending material terms. **Approval of the conceptual Term Sheet does not authorize conveyance of the properties, nor bind the Board to convey, or UF to accept, the same.** The Conveyance Agreement would be brought to the Board for approval at a later time. If staff and UF fail to reach an agreement on the pending material terms or any other matters, then staff would return to the Board seeking further direction and/or either party, in its sole and absolute discretion, may terminate negotiations as the conceptual Term Sheet is non-binding. The County's current holdings on Government Hill amount to 5.03 acres with an assessed value, as reported by the Property Appraiser's Office, of \$12,853,662. In preparation for a possible conveyance action, staff obtained two separate appraisals (prepared by Callaway & Price, Inc. and M.R. Ford & Associates, Inc.) which average to a fee simple interest market value for the properties totaling \$42,072,500. The City's holdings amount to approximately 2.2 acres and the private holdings amount to approximately 4.5 acres. (FDO Admin) District 7/Countywide (HJF)

G. COUNTY ATTORNEY

1. **Staff recommends motion granting request by the County Attorney to:** 1) schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, Chief Assistant County Attorney, and outside counsel pursuant to Section 286.011(8), Florida Statutes to discuss settlement negotiations in pending litigation of which Palm Beach County is presently a party: In re: National Prescription Opiate Litigation, Case Number: MDL 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., Case Number: 1:18-op-46121-DAP (N.D. Ohio); and 2) to give public notice of a private meeting for an attorney-client session, which will be held at **12:00 p.m. on March 8, 2022**, in the McEaddy Conference Room at 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida, and placing further notice of the private meeting on the Agenda of the Board of County Commissioners for its meeting. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Verdenia Baker, County Administrator; Denise Coffman, County Attorney; David Ottey, Chief Assistant County Attorney; and Shayna E. Sacks, outside counsel. **SUMMARY:** The Board will discuss settlement negotiations. Countywide (DO)

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

FEBRUARY 8, 2022

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

FEBRUARY 8, 2022

9. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

Request for off-site Proclamation recognizing the 110th Anniversary of Pioneer Linens

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER

District 4 – COMMISSIONER ROBERT S. WEINROTH

Request for off-site Proclamation declaring March 10, 2022 as Signature Gives Back Volunteer Day in Palm Beach County

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER MELISSA MCKINLAY

District 7 – COMMISSIONER MACK BERNARD

FEBRUARY 8, 2022

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."