

December 20, 2022  
9:30am

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 20, 2022**

**PAGE**      **ITEM**

**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**

**DECEMBER 20, 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 9-44)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 45-51)**
- 5. REGULAR AGENDA (Pages 52-58)**
- 6. BOARD APPOINTMENTS (Page 59)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: Board of County Commissioners appointments to the Treasure Coast Regional Planning Council for a one year term beginning January 1, 2023 to December 31, 2023. Proposed appointments are shown below:

<u>Regular Seats</u>	<u>Seat No.</u>	<u>Requirement</u>
Commissioner Maria G. Marino	1	Palm Beach County Official
Commissioner Marci Woodward	2	Palm Beach County Official
Commissioner Sara Baxter	3	Palm Beach County Official
<u>Alternate Seats:</u>		
Commissioner Dave Kerner	1A	Palm Beach County Official
Commissioner Maria Sachs	2A	Palm Beach County Official
Commissioner Mack Bernard	3A	Palm Beach County Official

**SUMMARY:** In accordance with the Treasure Coast Regional Planning Council (TCRPC) Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council’s Annual meeting on December 16, 2022. The BCC will also need to ratify the Palm Beach County League of Cities members under a separate board appointment item. Countywide (DL)

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>
May 4, 2022	Comprehensive Plan

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a contract with Rosso Site Development, Inc. (RSD) in the amount of \$6,943,242.07 for the construction of Benoist Farms Road, SR 80/Southern Boulevard to Belvedere Road (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to widen Benoist Farms Road from two to three lanes and construct signalization improvements at Southern Boulevard. The Affirmative Procurement Initiative selected for this contract on December 15, 2021 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. RSD agreed to 34.26% SBE participation. This Project also includes removal and installation of drainage structures and utilities for the Water Utilities Department (WUD). WUD shall be responsible for operation and maintenance of the utility work upon completion of the Project. Bids for the contract were received by the Engineering Department on August 16, 2022. RSD was the lowest responsive bidder of three bidders. The contract time for the Project is 365 calendar days. RSD has an office located in Palm Beach County. **This Project is included in the Five-Year Road Program. Districts 2 & 6** (YBH)
  
2. Staff recommends motion to approve: a contract with Masse Consulting Services, LLC (MCS) in the amount of \$88,515.40 for professional engineering services for Jog Road from Glades Road to Yamato Road (Project). **SUMMARY:** Approval of this contract will provide the professional services necessary to perform a feasibility study, which may ultimately lead to contracting to prepare design plans and construction bid documents to widen Jog Road. The Affirmative Procurement Initiative selected for this contract on May 19, 2021 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. MCS agreed to 70% SBE participation for the contract. On March 1, 2022, the Consultant's Competitive Negotiations Act Selection Committee selected MCS and, in accordance with PPM No. CW-O-048, the Board of County Commissioners was notified of the selection on March 2, 2022. MCS has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program. District 4** (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) an annual small paving and minor construction contract with Saffold Paving Inc. (SPI) in an amount not to exceed \$1,150,000; and

A) an annual small paving and minor construction contract with Wynn & Sons Environmental Construction Company, Inc. (WSE) in an amount not to exceed \$1,150,000.

**SUMMARY:** Approval of these contracts will authorize the annual construction services necessary for small paving and minor construction on an as needed basis throughout Palm Beach County (County). The Affirmative Procurement Initiative selected for these contracts on May 6, 2022 by the Goal Setting Committee is a 20% Small Business Enterprise (SBE) participation. SPI agreed to 89% SBE participation. WSE agreed to 86.6% SBE participation. Bids for the contract were received by the Engineering Department on August 9, 2022. SPI and WSE were the lowest responsive responsible bidders of five bidders. These contracts will be in effect for 18 months from the date of approval by the Board of County Commissioners with an optional renewal. Total contract time will not exceed 36 months. SPI and WSE each have an office located in Palm Beach County and are certified SBE companies. Countywide (YBH)

4. Staff recommends motion to approve: a Consultant Service Authorization (CSA) to the Annual Intersection Improvements Services Contract (R2020-0542) dated June 2, 2020 (Contract) with Propel Engineering, Inc. (PEI) in the amount of \$318,868.95 for the Lyons Road and Boynton Beach Boulevard Intersection Improvements (Project).

**SUMMARY:** Approval of this CSA will provide the professional services necessary to design roadway improvements to add a southbound through lane, a southbound right turn lane, and replace a mast arm traffic signal. The Affirmative Procurement Initiatives selected for this Contract on May 1, 2019 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. PEI agreed to 89% SBE participation for the Contract. PEI agreed to 93.57% SBE participation for this CSA. The cumulative SBE participation to date for the Contract including this CSA is 93.57%. PEI has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program.** District 5 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: an Interlocal Agreement (Agreement) with the School Board of Palm Beach County (School Board) for the dedication of right-of-way on Lyons Road and 47<sup>th</sup> Place South (ROW) to Palm Beach County (County), and for the design and construction of roadway and traffic signal improvements on Lyons Road. **SUMMARY:** The County is widening Lyons Road from the Lake Worth Drainage District L-14 Canal to north of Lake Worth Road (Project) and needs additional ROW for drainage. The School Board is constructing a new high school at the intersection of Lyons Road and 47<sup>th</sup> Place South, and is required to design, permit, and construct roadway improvements on Lyons Road and 47<sup>th</sup> Place South, including traffic signals on Lyons Road, to serve the new school. Approval of this Agreement will allow the School Board to dedicate ROW to the County, and design, permit, and construct improvements on 47<sup>th</sup> Place South to serve the new school; and the County to design, permit and construct traffic signal and roadway improvements on Lyons Road with its Project to serve the new school. District 6 (YBH)

6. Staff recommends motion to:

**A) adopt** a resolution authorizing the conveyance of ten parcels along the south side of State Road No. 806 (Atlantic Avenue), Item/Segment No. 2296584, Section 93030-2503 (Parcels), west of Lyons Road, to the State of Florida Department of Transportation (FDOT); and

**B) approve** a Palm Beach County (County) deed to convey the Parcels at no cost to FDOT.

**SUMMARY:** Adoption of the resolution will authorize the approval of a County deed to convey the Parcels to FDOT, as they requested, to accommodate the relocation of the Lake Worth Drainage District L-34 Canal for the widening of Atlantic Avenue. The Parcels were dedicated to the County as recorded in Plat Book 14, Page 1, Atlantic Park, on May 5, 1926. The Engineering Department has determined that the Parcels serve no present or future County purpose. This conveyance will relieve the County of potential liability and the cost of maintenance for these Parcels. This conveyance to FDOT is at no cost, and is pursuant to Section 125.38, Florida Statutes. Although the County normally reserves its interest in phosphates, minerals, metals and petroleum rights per Section 270.11, Florida Statutes, FDOT has requested the release of this reservation, as it requires the Parcels to be free and clear without encumbrances. **In accordance with County ordinance (2019-038), a supermajority vote (5 votes) is required by the Board of County Commissioners (BCC) for all transfers of fee simple real property that requires BCC approval.** District 5 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. **Staff recommends motion to approve:** Consultant Service Authorization (CSA) No. 2 to the Annual Civil Engineering Professional Services Contract (R2022-0461) dated May 17, 2022 (Contract) with Civil Design, Inc. (CDI) in the amount of \$234,299.69 for the Pheasant Walk Subdivision Improvements (Project). **SUMMARY:** Approval of this CSA will provide the professional services necessary for drainage improvements to alleviate flooding for the Project. The Affirmative Procurement Initiatives selected for this Contract on June 16, 2021 by the Goal Setting Committee are a 20% Small Business Enterprise (SBE) participation and a Minority Business Enterprise evaluation preference for African American owned firms. CDI agreed to 75% SBE participation for the Contract. CDI agreed to 100% SBE participation for this CSA. CDI has an office located in Palm Beach County and is a certified SBE company. **This Project is funded by the ARPA Response Replacement Fund.** District 4 (YBH)
  
8. **Staff recommends motion to receive and file:** Change Order No. 5 to the contract with Rosso Site Development, Inc. (RSD) dated October 5, 2021 (R2021-1411) for a time extension of 46 days for Belvedere Heights Phase 1, Sidewalks and Pedestrian Lights (Project). **SUMMARY:** Change Order No. 5 for a time extension of 46 days was approved by the Contract Review Committee in accordance with PPM CW-F-050. Since the cumulative number of days now exceeds the cumulative 120 day threshold for time extensions, this change order must be submitted by the initiating Department as a receive and file agenda item. Change Order No. 5 is pursuant to the Florida Department of Transportation Specification 8-7.3.2 for weather and FPL delays, and Specification 8-6.4 for holidays. In accordance with aforementioned specifications, contract time shall be adjusted if the contractor elects to cease operations for predetermined holidays or special events. The contract specifications are generic and based upon calendar days, giving the contractor the ability to decide when to start work. Should the work period extend over holidays when no work occurs, the contractor is entitled to a time extension for each holiday, per these specifications. Because this project is funded by a federal grant through the Florida Department of Transportation Local Agency Program, this Project must be considered final on or before December 31, 2022, or lose funding. This agenda item is the last remaining change order before the project can be closed out. The final cost of this Project is \$1,368,172. District 2 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve: Change Order No. 2 to the contract with Rosso Site Development, Inc. (RSD) dated December 21, 2021 (R2021-1893) for a time extension of 76 days for Belvedere Heights Phase 2, Sidewalks and Pedestrian Lights (Project). **SUMMARY:** Per PPM CW-F-050, the time extension in Change Order No. 2 exceeds staff approval, and requires approval by the Board of County Commissioners. Approval of Change Order No. 2 will allow a time extension of 76 days to RSD, pursuant to the Florida Department of Transportation Specification 8-7.3.2. The Palm Beach County Water Utilities Department had an ongoing project that conflicted with the start of construction for this Project, and caused the 76 day delay. Because this Project is funded by a federal grant through the Florida Department of Transportation Local Agency Program, the Notice to Proceed had to occur on or before March 2, 2022, or lose funding; and the Equal Business Opportunity Ordinance is not applicable to the contract. District 2 (YBH)
  
10. Staff recommends motion to approve: Consultant Service Authorization (CSA) No. 2 to the Construction Engineering Inspection (CEI) Annual Services Contract (R2021-0883) dated July 13, 2021 (Contract) with BCC Engineering, LLC (BCCE) in the amount of \$603,820.81 for Lyons Road/Sansbury's Way Buffered Bike Lanes (Project). **SUMMARY:** Approval of this CSA will provide the professional services necessary for CEI for this Project. The Project will widen Lyons Road/Sansbury's Way to add buffered bike lanes from Forest Hill Boulevard to Okeechobee Boulevard. The Affirmative Procurement Initiatives selected for this Contract on November 6, 2019 by the Goal Setting Committee are a 20% Small Business Enterprise (SBE) participation and an SBE evaluation preference. BCCE agreed to 30% SBE participation for the Contract and 30.17% SBE participation for this CSA. The cumulative SBE participation to date for the Contract including this CSA is 30.27%. The construction contract for this Project (R2022-0914) was awarded for \$5,862,084.91 on September 13, 2022. **This Project is included in the Five-Year Road Program and includes a Transportation Planning Agency Local Initiatives Program Grant.** Districts 2 & 6 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to approve: Supplement No. 2 (Supplement) to Consultant Service Authorization (CSA) No. 1 dated July 27, 2022, under the Annual Civil Engineering Professional Services Contract (R2022-0464) (Contract) with Mock, Roos & Associates, Inc. (MRA) in the amount of \$102,945.55 for professional services for Cherry Road from Military Trail to Quail Drive (Project). **SUMMARY:** Approval of this Supplement will provide the professional services necessary to design lighting and pathway improvements. The Westgate Belvedere Homes Community Redevelopment Agency (CRA) received a Local Agency Program (LAP) federal grant through the Florida Department of Transportation (FDOT) for construction of the Project. FDOT requires Palm Beach County (County) to perform the design and construction as the LAP certification holder in support of the CRA's Project, and the CRA will fund design and construction. The Affirmative Procurement Initiatives selected for this Contract on June 16, 2021 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and a Minority Business Enterprise evaluation preference for African American owned firms. MRA agreed to 27% SBE participation for the Contract. MRA agreed to 27.48% SBE participation for this Supplement. The cumulative SBE participation to date for the CSA including this Supplement is 29.5%. MRA has an office located in Palm Beach County. District 2 (YBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: the first amendment to contract for Professional Legal Services with LaBovick & LaBovick, P.A., dba LaBovick Law Group, for legal services relating to personal injury protection (PIP) insurance claims for Fire Rescue emergency transport services. This first amendment renews the contract for the period from April 1, 2023 through March 31, 2024, with one remaining one-year renewal option. No payment shall be made by County; however the law firm shall retain interest, penalties, postage and/or attorney's fees and costs paid by insurers in related PIP demands or litigation. **SUMMARY:** On April 2, 2019, pursuant to a Request for Proposals, the County entered into a contract with LaBovick & LaBovick, P.A. for legal services relating to PIP insurance claims for Fire Rescue emergency transports. The original contract term was from April 2, 2019 through March 31, 2023, with two one-year renewal options under the same terms and conditions. This first amendment exercises the first renewal option to renew the contract for the period from April 1, 2023 through March 31, 2024, under the same terms and conditions, with one remaining one-year renewal option. The law firm represents the County on an on-going basis in the statutory process to make demand, and where appropriate file suit, against PIP insurers to maximize the recovery of unpaid or underpaid PIP benefits for Fire Rescue auto-related emergency transports. The law firm works directly with Fire Rescue's emergency transport third-party billing vendor to review all PIP insurance claims that were not paid in full. The law firm has legal expertise in PIP and medical billing, and a specialized information technology system, to handle the large volume of PIP claims generated by Fire Rescue's emergency transports. No payments are made by the County to the law firm. However, the law firm retains any attorney's fees and costs paid by insurers as negotiated by the firm or awarded in litigation, as well as interest, penalties and postage paid under the PIP statute, provided the County has received full payment of all PIP benefits due or has duly authorized the settlement or compromise of a PIP claim. Countywide (SGB)
  
2. Staff recommends motion to approve: a settlement agreement, in the total amount of \$1,195,000, inclusive of statutory attorneys' fees, expert fees and costs, in the eminent domain action styled Palm Beach County v Diosdado J. Broche, et al., Case No.: 502018CA013883 MB AE. **SUMMARY:** Palm Beach County (County) acquired Parcel 131 in fee simple and Parcel 331 as a temporary construction easement from the property owners, Diosdado J. Broche and Trinidad Broche, (Owners) on January 31, 2019, for the improvement of Silver Beach Road from east of Congress Avenue to east of Old Dixie Highway/President Barack Obama Highway. This settlement includes \$750,000 in compensation for the property and easement acquired and all damages, \$195,000 in statutory attorney's fees, and \$250,000 for the fees of the property owners' seven experts, for a total of \$1,195,000. This settlement will completely resolve this eminent domain proceeding as it relates to the parcels owned by Diosdado J. Broche and Trinidad Broche. District 7 (DO)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** a contract for Provision of Services with Palm Beach County Food Bank, Inc. (PBCFB), for the period of October 1, 2022 through September 30, 2023, in an amount not-to-exceed \$1,107,968, to provide food distribution services to the low-income residents of Palm Beach County. **SUMMARY:** The above agency has the space and resources to provide food pantry services for the low-income residents of Palm Beach County (PBC). Funding is provided by the Community Development Block Grant - Coronavirus Aid, Relief and Economic Security Act. To help end hunger needs in PBC, PBCFB distributes the majority of food to approximately 200 partners. In 2021, PBCFB was able to assist with 14.5 million meals distributed to low-income residents. PBCFB is experiencing an increased demand for food assistance due to inflation. PBC families and caregivers are turning to food banks for food donations and food sources to bridge the gap to reduce food insecurity. Funding will be used to assist with the purchase of non-perishable food items and perishable items when ordered in advance to meet the distribution needs of our community partner agencies to provide hunger relief to eligible low-income individuals and families who are PBC residents. **No County match is required.** (Community Action Program) Countywide (HH)
  
2. **Staff recommends motion to approve:** the reappointment of one current member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council (HIV CARE Council), effective December 20, 2022:

<u>Seat No.</u>	<u>Reappointment</u>	<u>Recommended By</u>	<u>Term Expires</u>
18	Thomas E. McKissack	HIV CARE Council	12/19/25

**SUMMARY:** The HIV CARE Council nomination process is an open process with publicized criteria and legislatively defined conflict of interest standards. Per Resolution No. R2018-0015, the total membership for the HIV CARE Council shall be no more than 33 at-large members. All nominees have completed the HIV CARE Council's nomination process and the HIV CARE Council recommends the appointments. The diversity count for the 25 seats that are currently filled is African-American: 10 (40%), Caucasian: 7 (28%), Hispanic-American: 7 (28%) and Asian-American: 1 (4%). The gender ratio (female: male) is 14:11. Mr. McKissack 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)

3. Staff recommends motion to approve: an agreement for Provision of Financial Assistance with JFK Medical Center Limited Partnership, relating to the Addiction Stabilization Center (ASC), for the period of October 1 2021 through September 30, 2023, in an amount not-to-exceed \$500,000 annually, for the purpose of providing a revenue guarantee for the ASC facility. **SUMMARY:** On February 6, 2018, the Board approved the concept of an ASC with an emergency room component. The ASC opened in October 2019 at the JFK Medical Center North (JFK) to address the immediate and critical care of individuals experiencing opioid and other drug overdoses. It provides a central location with an emergency room component that allows for lifesaving overdose intervention and a behavioral health component, which includes immediate psychiatric identification for the best treatments to assist patients in addressing their addiction moving forward. This contract is one year retroactive due to lengthy negotiations with JFK. \$500,000 from FY 2022 will be carried over during the mid-year budget amendment. In FY 2020, the ASC handled 1,142 cases, of which 837 cases were emergency room visits and 305 cases were non-emergency visits. (Community Services Department) Countywide (HH)
  
4. Staff recommends motion to approve: Use of Facility Agreement for Government Entities with the Village of Wellington, (Village), at no cost to the County, for the five year period December 20, 2022 through December 19, 2027, to provide a congregate meal site for seniors. **SUMMARY:** The Division of Senior and Veteran Services (DSVS) receives federal funds from the Older Americans Act (OAA) to provide congregate meal sites. This agreement enables DSVS to operate congregate meal sites for seniors at no cost to the County for space and/or energy usage. The Village will recruit volunteers to operate the congregate meal sites. DSVS will provide training for the volunteers. Meals and necessary food related services and supplies are furnished by the County through its designated food service vendor, subject to the availability of funds. This is a new agreement with the Village and they will serve approximately 13,411 meals annually. The estimated annual cost of the meals is \$66,252, and is funded under OAA in the amount of \$59,627 (90%) and \$6,625 (10%) in County match. Sufficient funding is included in the current budget to meet County obligations. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service exclude portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the excluded areas. (DSVS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Subrecipient Agreements with the below-listed agencies, for the period October 1, 2022 through September 30, 2023, in an amount totaling \$359,404 in Emergency Solutions Grant (ESG) Program funds:

**A)** Adopt-A-Family of the Palm Beaches, Inc. (AAF), in an amount not-to-exceed \$183,762, to provide rapid re-housing services to families experiencing homelessness;

**B)** Aid to Victims of Domestic Abuse, Inc. (AVDA), in an amount not-to-exceed \$135,000, to provide emergency shelter to individuals fleeing domestic violence; and

**C)** YWCA of Palm Beach County, Inc. (YWCA), in an amount not-to-exceed \$40,642, to provide emergency shelter to individuals fleeing domestic violence.

**SUMMARY:** On July 12, 2022, the Board of County Commissioners (BCC) approved the Palm Beach County Action Plan for Fiscal Year 2022-2023, which allocated \$459,404 in ESG Program funds for nonprofit agencies to assist people experiencing homelessness, or are at risk of homelessness, including those fleeing domestic violence. These agreements will fund homeless services, including the operation and maintenance of emergency shelters, and financial assistance to rapidly re-house families. Activities include: case management, rental assistance, food, maintenance, utility assistance, security, equipment, insurance, and supplies for emergency shelters. In FY 2021, AAF served 45 family households, and expended 100% of its ESG award. Under this new agreement, AAF is expected to serve 35 family households in its rapid re-housing program. In FY 2021, AVDA served 98 individual and family households, and expended 100% of its ESG award. Under this new agreement, AVDA is expected to serve 70 individual and family households at its emergency shelters. In FY 2021, YWCA served 175 individual and family households, and expended 100% of its ESG award. Under this new agreement, YWCA is expected to serve 175 individual and family households at its emergency shelters. The reduction in the estimated number of individuals and family households served from one program year to another is due to the increase in cost per client from FY 2021 to FY 2023. The cost of personnel has increased, which in turn increases the cost per client. These federal ESG funds require a matching contribution, which will be provided by the funded agencies. **No County match is required.** (Division of Human and Veteran Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to receive and file:** License Agreement with Suffolk Construction Company (Suffolk), commencing October 4, 2022, and expiring May 31, 2023, for Suffolk to use approximately 463 square feet of office space at the Palm Beach International Airport (PBI) without charge. **SUMMARY:** Suffolk was awarded a Construction Manager at Risk Contract for the Concourse B Expansion Project (R2021-0843) at PBI for construction services and Suffolk requested the use of an office for storage of equipment and materials in support of the contract. Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. Countywide (AH)
2. **Staff recommends motion to receive and file:** Terminal Space Lease Agreement (Agreement) with PrimeFlight Aviation Services, Inc. (PrimeFlight), commencing November 1, 2022 and expiring September 30, 2023, (Initial Term), and automatically renewing on a year-to-year basis October 1<sup>st</sup> through September 30<sup>th</sup> until canceled, for PrimeFlight to lease approximately 193 square feet of office space at the Palm Beach International Airport (PBI) terminal building for payment of rental in the amount of \$11,519.04 for the Initial Term. **SUMMARY:** PrimeFlight provides aeronautical services, including skycap and wheelchair services to airlines at PBI. The Agreement provides for the lease of approximately 193 square feet of office space. Delegation of authority for execution of the standard form Terminal Space Lease Agreement was approved by the Board pursuant to R2018-0995. Countywide (AH)
3. **Staff recommends motion to receive and file:** License Agreement with Centerport, Inc. (Centerport) commencing October 1, 2022, and expiring October 31, 2022 (Initial Term), for the use of approximately 9,805 square feet of paved parking for trailers and vehicles in connection with Centerport's cargo operation at the Palm Beach International Airport (PBI), for payment of a license fee in the amount of \$735.38 per month. The License Agreement includes automatic month-to-month renewals through September 30, 2025, unless terminated. **SUMMARY:** This License Agreement provides for the use of approximately 9,805 square feet of paved parking area at PBI. Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: Nine 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) Bakers MF LLC effective October 1, 2022.
- 2) Carrier Corporation effective January 1, 2022.
- 3) Cessna Service Direct LLC effective April 1, 2022.
- 4) Chartright Air Licensing Corporation effective May 1, 2022.
- 5) CMB Aviation 1, LLC effective May 1, 2022.
- 6) Leach Capital LLC effective September 1, 2022.
- 7) Tudor Investment Corporation effective November 1, 2022.
- 8) Falcon 2000 Leasing, LLC effective November 1, 2022.
- 9) Dimor Aerospace, Inc., effective January 1, 2022.

**SUMMARY:** Atlantic provides fixed based operator services for general aviation aircraft at PBI pursuant to a Lease Agreement dated October 18, 2000 (R2000-1067, as amended). The Lease Agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)

5. Staff recommends motion to approve: the appointment of the following individual to the Citizens' Committee on Airport Noise (CCAN) with a term commencing on October 1, 2022 and expiring on September 30, 2025

<u>SEAT</u>	<u>NAME</u>	<u>ACTION</u>	<u>ORGANIZATION</u>
No. 10	Lewis Crampton	Appointment	Town of Palm Beach Council

**SUMMARY:** Per Resolution No. R2013-1304, CCAN consists of 11 seats. Four seats are recommended for appointment by the organizations approved by the Palm Beach County Board of County Commissioners (BCC). The Town of Palm Beach Council submitted its recommendation, Lewis Crampton, for representation on CCAN via correspondence to the Palm Beach County Department of Airports. The diversity of the current seven appointees is as follows: four Caucasian, one African-American, one Hispanic American and one Unknown. The gender ratio (female: male) is 5:2. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: summary of adjustments to rental rates within the County's Airport System, pursuant to Resolution 2007-1291, providing for a \$3,288,880 increase in annual rentals payable to County, effective as of October 1, 2022. **SUMMARY:** The majority of leases for properties within the County's Airports System (Airport Properties) provide for adjustment to rental rates every three years based on the fair market rental value of the property as determined by appraisal, a percentage change in the Consumer Price Index, or a combination of both. Although the majority of lease agreements for Airport Properties specifically provide the method for adjusting rental rates, without formal amendment to the agreement, some older lease agreements require a resolution or other action of the Board for the new rental rates to become effective. Resolution 2007-1291 authorized the County Administrator or designee to approve rental rate adjustments in accordance with applicable provisions of any lease agreement approved by the Board or executed by the County Administrator or designee pursuant to a delegation of signature authority. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$23,000 for the full satisfaction of a code enforcement lien that was entered against Ochnas Oeil Christians of Nurse Training, Inc. on November 6, 2019. **SUMMARY:** The property was cited for a wooden fence installed without the required building permit, improperly parked vehicles, and expired permits. On December 5, 2018, the Code Enforcement Special Magistrate (CESM) entered an order giving Ochnas Oeil Christians of Nurse Training, Inc. until June 3, 2019 to obtain a permit for the fence located at 4862 Andros Dr., West Palm Beach, FL. Compliance with the CESM's Order was not achieved by the ordered compliance date, and a fine of \$100 per day was imposed. The CESM then entered a claim of lien against Ochnas Oeil Christians of Nurse Training, Inc. on November 6, 2019. The Code Enforcement Division issued an affidavit of compliance for the property on September 6, 2022 stating that as of September 2, 2022 the cited code violation was fully corrected. The total accrued lien amount on October 3, 2022, the date on which settlement discussions began, totaled \$132,647.04, of which Irlande Jean, President of Ochnas Oeil Christians of Nurse Training, Inc., has agreed to pay Palm Beach County \$23,000 (17%) for full settlement of their outstanding code enforcement lien. District 7 (SF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: Standard Infrastructure Surtax Project Funding Agreement dated October 31, 2022 for the administration and funding of the FY2023 vehicle replacement project with Ric L. Bradshaw, Sheriff of Palm Beach County (Sheriff) for a period of 12 months and at the County's discretion one 12-month extension, followed by up to one six-month extension to the term. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard Agreement, dated October 31, 2022 has been fully executed on behalf of the Board of County Commissioners (Board) by the Director of Facilities Development & Operations. The Standard Agreement was approved by the Board on April 4, 2017, Agenda item 5C-3. This executed document is now being submitted to the Board to receive and file. (FDO Admin) Countywide (MWJ)

2. Staff recommends motion to receive and file:

**A)** Standard License Agreement for Use of County-Owned Property dated October 13, 2022, for a period not to exceed three years upon execution, with Friends of Mounts Botanical Garden, Inc. (Mounts Botanical Gardens) for an art work exhibition;

**B)** Standard License Agreement for Use of County-Owned Property dated July 25, 2022, with Delray Beach Public Library Association, Inc. (South County Courthouse Parking Garage);

**C)** Standard License Agreement for Use of County-Owned Property dated June 29, 2022, with West Palm Beach, Community Redevelopment Agency (Judicial Center surface parking lot); and

**D)** Standard License Agreement for Use of County-Owned Property dated May 16, 2022, with Trump International Golf Club, L.C. (Vacant lot adjacent to the Main Branch Library).

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. The Standard License Agreements were approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013. These executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (YBH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an increase in the maximum dollar value of the annual minor construction contract by \$10,000,000 for general minor construction services on an as-needed basis through February 10, 2025. **SUMMARY:** On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract (R2020-0142 through R2020-0151) for construction services associated with repairs, improvements and renovations to County properties. To date, the County has awarded \$15,501,394.08 in work orders. Staff is requesting the cumulative limit be increased by \$10,000,000 for a total cumulative value of \$25,000,000 in order to accommodate additional anticipated new projects required to be accomplished before the term of this contract expires on February 10, 2025. Work is to be awarded as work orders on a lump sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently 32 have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. This minor construction annual contract was presented to the Goal Setting Committee on August 21, 2019. The Committee applied the following three Affirmative Procurement Initiatives: 1) Sheltered Market for projects less than \$100,000; or 2) 10% Small Business Enterprises (SBE) Price Preference for single-trade projects \$100,000 or greater; or 3) a minimum mandatory 25% SBE subcontracting goal for multi-trade projects. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. Current cumulative S/M/WBE participation for all work orders to-date under the minor annual contract is 64.39%. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Change Order No. 07 to the contract with Carrick Contracting Corporation (R2021-0578) for the Glades Road Tower Project in the amount of \$290,489.87 to furnish and install antennas and associated connecting transmission lines (Antennas and Lines). **SUMMARY:** On May 4, 2021, the Board of County Commissioners (Board) approved the contract (R2021-0575) with Carrick Contracting Corporation (Contractor), for services to construct a new land mobile radio tower (the Contract). The Contract was for the construction of a 400-foot tall lattice style self-supporting radio communications tower, equipment shelter, associated equipment and a fenced compound. The new tower ensures public safety and emergency response communications within the service area. The original scope of work, which was necessary to be achieved prior to the commencement of any loading to the tower with end user antennas and lines, is substantially complete. Change Order No. 07 to the Contract authorizes the Contractor to furnish all services, materials, equipment, tools, testing, skill, and labor necessary to permit, construct, and install the antenna systems for the sole use of the County. The project was competitively bid with Carrick Contracting Corporation submitting the lowest, responsive bid. The Contract was solicited pursuant to the requirements of the Equal Business Opportunity Ordinance. On December 27, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of 5% Small Business Enterprise (SBE) subcontracting participation. The Contractor is not an SBE; however, the Contractor committed to 5.79% SBE participation and achieved a 5.30% SBE participation. The Contractor is a local business. Funding for this project is from the RR&I for 800 MHz System Fund. (Capital Improvements Division) District 5 (MWJ)
  
5. Staff recommends motion to receive and file: Standard Equipment Use Agreement for the period of December 1, 2022 through November 30, 2023, with Ric L. Bradshaw, Sheriff of Palm Beach County, for the use of a County-owned bucket truck on an as-needed basis. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development & Operations Department. The Standard Equipment Use Agreement was approved by the Board on October 1, 2013, Agenda item 3H-2. This executed document is now being submitted to the Board to receive and file. (FDO Admin) Countywide (YBH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: Work Order No. 22-007 to the annual minor construction contract with Ralph Della-Pietra, Inc. (R2020-1575) in the amount of \$1,121,481 for the Fire Station 49 Temporary Trailer Installation project for a period of 180 calendar days from notice to proceed. **SUMMARY:** On October 20, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract (R2020-1575) with Ralph Della-Pietra, Inc. (Contractor) for repairs, improvements and renovations to County properties. Work Order No. 22-007 authorizes the coordination, procurement and installation of a temporary trailer and all associated infrastructure for use as a temporary fire station during construction of the new Fire Station 49 facility. There has been extensive growth along Lyons Road between Boynton Beach Boulevard and West Atlantic Avenue. Unfortunately, this growth has contributed to an increased emergency response time at several communities west of Boynton Beach and Delray Beach. The temporary trailer will allow for reduced emergency response times during construction of the new Fire Station 49, which will be located at 12555 Lyons Rd. in Boynton Beach. 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 will have 180 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve substantial completion within the contract time or approved time extension thereof are \$350 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; or 2) 10% Small Business Enterprises (SBE) Price Preference for 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% SBE participation. The Contractor is an SBE and committed to 64% SBE participation on this work order. To date, the overall SBE participation on the annual minor construction contract is 74.47%. The Contractor 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)

7. Staff recommends motion to approve:

**A)** Change Order No. 5 to Amendment No. 20 (R2020-0441) to the agreement with Robling Architecture Construction, Inc. (Robling) decreasing the Guaranteed Maximum Price (GMP) for construction management services for the Palm Beach County Convention Center Courtyard (the Project) in the amount of \$45,278.87 and extending the agreement for an additional 500 days from September 18, 2021 to January 31, 2023; and

**B)** the seventh amendment to the Agreement (R2017-1895) for Art Services for the Palm Beach County Convention Center Courtyard Public Art Project (Agreement) with Susan Narduli of Narduli Studio (Artist) to extend the Agreement for an additional 393 days to February 28, 2023 and to increase the Agreement amount by \$6,000.

**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 GMP in the amount of \$1,217,482 to construct a courtyard at the Palm Beach County Convention Center. Four change orders were subsequently approved to address changes in Project scope and provide additional time for completion, all at no additional cost. During construction, Robling poured concrete planter walls without the specified concrete color additive; resulting in a finished product that did not conform to the approved Project drawings and expectations upon final completion. As a result, and in lieu of demolishing and reconstructing the planter walls, Robling has agreed to install a pre-cast colored concrete overlay onto the planter walls and guarantee same for an extended period of five years at no additional cost to the County, allowing for deduction of the remaining \$45,278.87 from the contract amount. The schedule provided by Robling requires 500 days from the current contractual end date of the project (i.e. June 30, 2021) to complete this work. As the project has been designed and overseen by the Artist, an additional 393 days from the January 31, 2022 end date of the Agreement with the Artist is required to complete all services. An additional \$6,000 fee for Artist's services is required to achieve completion. All funding for the project remains from the 68M Public Imp Rev Bond 15A CP, Conv Ctr Garage & Airport Ct. (FDO ADMIN) District 2/Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. **Staff recommends motion to receive and file:** an agreement with Redlands Christian Migrant Association, Inc. (RCMA) for \$14,608 under the Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program. **SUMMARY:** The agreement 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 6D-2 as approved by the BCC on July 12, 2022. The agreement with Redlands Christian Migrant Association, Inc provides \$14,608 in Fiscal Year 2022-2023 CDBG funds to deliver child development services to children of migrant farm worker families. RCMA received \$15,239 in CDBG funds during Fiscal Year 2021-2022 and successfully met its deliverables, per the enclosed table.

	Agency	FY 2021-2022 Goal	FY 2021-2022 Actual*	FY 2022-2023 Goal
A	Redlands Christian Migrant Association, Inc	60	67	60

\*FY 2021-2022 actual is through 8-30-22 (first 11 months of contract term).

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 require no local match.** Countywide (HJF)

2. **Staff recommends motion to receive and file:** the following agreements for code enforcement services funded under the Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program:

**A)** an agreement with the City of Pahokee for \$42,651; and

**B)** an agreement with the City of South Bay for \$32,384.

**SUMMARY:** The documents have 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 6D-2, as approved by the BCC on July 12, 2022. The agreement with the City of Pahokee provides \$42,651 in FY 2022-2023 CDBG funds toward the salary and benefits of one full-time Code Compliance Officer. The agreement with the City of South Bay provides \$32,384 in FY 2022-2023 CDBG funds toward the salary of one full-time Code Compliance Officer. 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)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to:

**A) approve** an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award totaling \$116,232 to Bridge Holding LLC and;

**B) authorize** the Mayor to execute a Certificate of Award to be released to the recipient pursuant to IFAHAP Guidelines; and

**C) approve** a budget transfer of \$99,627 in Impact Fee Assistance Program – Roads Zone 2 to appropriate funds for Bridge Holding LLC; and

**D) approve** a budget transfer of \$10,437 in Impact Fee Assistance Program – Park Zone 2 to appropriate funds for Bridge Holding LLC; and

**E) approve** a budget transfer of \$6,168 in Impact Fee Assistance Program – Public Building to appropriate funds for Bridge Holding LLC.

**SUMMARY:** On October 8, 2022, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$1,353,370 in IFAHAP funding available from Palm Beach County's Fiscal Year 2022 funding cycle. Bridge Holding LLC submitted an application in response to the NOFA. Staff recommends that up to \$116,232 be provided as a credit for impact fees associated with the construction of 39 out of 81 rental units located at 930 N. G Street in Lake Worth Beach (the Project). Bridge Holding LLC will be given credits for Roads Zone 2 Impact Fees (\$99,627), Park Zone 2 Impact Fees (\$10,437) and Public Building Impact Fees (\$6,168) for the construction of the Project. Bridge Holding LLC will pay impact fees above the allocated \$116,232. The Certificate of Award and related documents will be issued to the entity identified herein and its successors and/or assigns. According to IFAHAP requirements, all units will be rented to persons with incomes at or below 140% of Area Median Income. The assisted units will be restricted to remain affordable for a minimum of 30 years. **These funds are from interest earned by the Impact Fee Fund. District 2** (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

4. Staff recommends motion to:

**A) approve** an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award totaling \$71,833 to Davis Commons, LLC and;

**B) authorize** the Mayor to execute a Certificate of Award to be released to the recipient pursuant to IFAHAP Guidelines; and

**C) approve** a budget transfer of \$51,252 in Impact Fee Assistance Program – Roads Zone 4 to appropriate funds for Davis Commons, LLC; and

**D) approve** a budget transfer of \$16,704 in Impact Fee Assistance Program – Park Zone 2 to appropriate funds for Davis Commons, LLC; and

**E) approve** a budget transfer of \$3,877 in Impact Fee Assistance Program – Public Building to appropriate funds for Davis Commons, LLC.

**SUMMARY:** On October 8, 2022, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$1,353,370 in IFAHAP funding available from Palm Beach County's Fiscal Year 2022 funding cycle. Davis Commons, LLC submitted an application in response to the NOFA. Staff recommends that up to \$71,833 be provided as a credit for impact fees associated with the construction of 20 townhomes for-sale units located on Davis Road in unincorporated Lake Worth Beach (the Project). Davis Commons, LLC will be given credits for Roads Zone 4 Impact Fees (\$51,252), Park Zone 2 Impact Fees (\$16,704) and Public Building Impact Fees (\$3,877) for the construction of the Project. Davis Commons, LLC will pay impact fees above the allocated \$71,833. The certificate of Award and related documents will be issued to the entity identified herein and its successors and/or assigns. According to IFAHAP requirements, all units will be rented to persons with incomes at or below 120% of Area Median Income. The assisted units will be restricted to remain affordable for a minimum of 30 years. **These funds are from interest earned by the Impact Fee Fund.** District 3 (HJF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to receive and file: termination of Removal Agreement with Soapy Shark SR 7 LLC, owners of a property located at 5301 S State Road 7, Lake Worth, FL 33449, with PCN 00-42-43-27-05-035-0091, recorded in Official Record Book 33753, Page 1798, on August 3, 2022. **SUMMARY:** The listed property owner(s) entered into the agreement for future right of way or other easements within the County and decided to terminate said removal agreement. The agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Planning, Zoning & Building Department in accordance with Resolution 2015-1863, and is now being submitted to the Board to receive and file. 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. Countywide (RM)
  
2. Staff recommends motion to approve: an Interlocal Agreement (ILA) with the City of Greenacres providing for the annexation of an enclave, known as the Lake Worth Plaza West Outparcels Enclave, generally located on the southeast corner of Lake Worth Road and South Jog Road, and providing for consent to the voluntary annexation of the unincorporated County-owned parcel, located at 6297 Lake Worth Road. **SUMMARY:** The City of Greenacres (City) adopted an interlocal agreement on November 7, 2022, for the annexation of an enclave consisting of six parcels totaling 7.96 acres, identified in Exhibit A of the ILA. This enclave is within the Municipal Service Area as defined by the Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres and the Board of County Commissioners on September 13, 2022. Per Chapter 171, Part II, F.S, the ISBA establishes the planning, service delivery, and boundary adjustments and identified the Municipal Service Area. The proposed annexation was processed per the terms of the ISBA, and an agreement with County Fire Rescue to coordinate the transition of fire rescue services. In addition, the agreement will provide consent to the voluntary annexation of a 0.01-acre county-owned parcel, located at 6297 Lake Worth Road as identified in Exhibit B of the ILA. Palm Beach County does not transfer ownership rights of the County-owned parcel but rather consents to the property being annexed into, and included within, the municipal boundary of the City of Greenacres. The proposed annexation was processed through the County's reviewing departments, including Fire Rescue; Engineering; Planning, Zoning & Building; Environmental Resources Management; Parks and Recreation; Water Utilities; County Attorney; Property and Real Estate Management; Sheriff's Office; and the Office of Financial Management and Budget. The City provided written notice to all owners of real property located within the enclave. The proposed annexation meets the requirements of Chapter 171, Florida Statutes, as well as the requirements of the adopted ISBA, and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (DL)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** three executed Standard Potable Water and Wastewater Development Agreements and one Standard Potable Water and Wastewater Development Renewal Agreement for the months of September and December 2021 and the months of May and June 2022.

**A)** Standard Potable Water and Wastewater Development Agreement with Lennar Homes, LLC, SDA #02-01165-000 (District 3), Recorded in OR BK 33817 PG 555;

**B)** Standard Potable Water and Wastewater Development Agreement with Pulte Home Company, LLC, SDA #01-01276-000 (District 2), Recorded in OR BK 33817 PG 564;

**C)** Standard Potable Water and Wastewater Development Agreement with 13FH Palm Beach, LP, SDA #03-01053-000 (District 5), Recorded in OR BK 33275 PG 0192; and

**D)** Standard Potable Water and Wastewater Development Renewal Agreement with CREG, LLC, SDRA #05-01120-000 (District 2), Recorded in OR BK 33817 PG 549.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item and are attached unless the documents have been recorded in the Public Records of Palm Beach County. The documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Palm Beach County Water Utilities Department (PBCWUD) in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. Districts 2, 3, & 5 (MWJ)

2. **Staff recommends motion to approve:** Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 9943, Page 1205. **SUMMARY:** Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in the utility easements recorded in the Official Records of Palm Beach County as noted above and located at 5759 Gun Club Road West Palm Beach. The Property Owners are requesting release of the easement that is no longer associated with any public potable water, reclaimed water and wastewater facilities. As a result of site development for the School Board of Palm Beach County, the existing utility easement is no longer required. PBCWUD has determined that the release of this easement will not affect existing or new public potable water, reclaimed water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 22-529) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve: Work Authorization (WA) No. 26 to the 2019 Pipeline Continuing Construction Contract (Continuing Contract) with Johnson–Davis Incorporated, (Contractor) for the Century Village Water System Valve Program Year 5 (Project) in the amount of \$585,704.85. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0160) with Contractor. WA No. 26 provides for the installation of approximately 40 gate valves ranging in size from 2-inch to 8-inch, associated appurtenances, and site restoration throughout the existing water distribution system in the neighborhoods of Sussex, East Hampton, Salisbury, Kingswood, Hastings, Plymouth, Greenbrier, and Berkshire. The Continuing Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation. The Continuing Contract provides for 20.07% SBE participation. WA No. 26 includes 11.02% SBE participation. The cumulative SBE participation including WA No. 26 is 21.83 %. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 22-036) District 2 (MWJ)
  
4. Staff recommends motion to accept: a non-standard Utility Access Easement (Easement) granted by Forest Hill Condos, Inc., to Palm Beach County (County) on a property located at 4623 Forest Hill Blvd., West Palm Beach, Florida, 33415. **SUMMARY:** The proposed Easement is required at a location near Lift Station No. 5209 where utilities owned by Palm Beach County Water Utilities Department (PBCWUD) are proposed to be rehabilitated. The Easement will provide PBCWUD staff access from the entrance of the plaza to the property for operation and maintenance purposes. Forest Hill Condos, Inc. has requested to use the access easement that requires approval by the Board of County Commissioners. Forest Hill Condos, Inc. took exception to provisions in the standard utility easement because that would allow for construction of underground utilities or a new wastewater pump station in this location. (PBCWUD Project No. 20-008) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve: a contract for Consulting/Professional Services for Emergency and Disaster Mitigation and Recovery (Contract) with Calvin, Giordano and Associates, Inc., (Consultant). **SUMMARY:** The Contract will provide consulting/professional engineering services for disaster mitigation and recovery for Palm Beach County Water Utilities Department (PBCWUD). The Contract has a term of five years. The Contract will ensure the integrity of the County's water and wastewater infrastructure prior to, during, and immediately following natural or manmade disasters, including hurricanes. The Contract provides for professional services including pre and post assessments, safety and security improvements, replace and repair critical components, and any related engineering services during planning, evaluation, design, and construction. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On November 2, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative (API) of 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. Consultant has met the established API. The Contract provides for 42% SBE Participation which includes 40% MBE participation, 15% MBE (B) and 25% MBE (A). Consultant is headquartered in Fort Lauderdale, Florida and maintains an office in Palm Beach County from which the majority of the work under the Contract will be undertaken. (PBCWUD Project No. 22-004) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to approve: Amendment No. 2 to the Contract for Consulting/Professional Services Secondary Clarifier and Effluent Filtration Improvements Engineering Services (Contract) with Hazen and Sawyer, P.C., (Consultant) to increase the lump sum and the not to exceed amounts by \$12,864 and \$664,524 respectively for a total increase of \$677,388. **SUMMARY:** On December 19, 2017, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2017-1912) with Consultant to provide engineering services during the design, permitting, bidding, and construction phases for the Secondary Clarifier and Effluent Filtration Improvements (Project) at Southern Region Water Reclamation Facility. Amendment No. 2 will add full-time inspection services for the remainder of the construction and allow the Consultant to provide additional coordination and engineering services during construction. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Ordinance on October 16, 2018. The SBE participation goal established under the 2002 SBE Ordinance was 15% overall participation. The Contract provides for 21% SBE participation. Amendment No. 2 includes 0% SBE participation. The cumulative SBE participation including Amendment No.2 is 21.83% SBE. The Consultant is headquartered in New York, New York, but maintains an office in Palm Beach County from which the majority of the work will be performed. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 17-022) District 5 (MWJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: Amendment No. 02 to Agreement No. 4600003684 (Agreement) with the South Florida Water Management District (District) to extend the expiration date from October 1, 2022 to February 28, 2023. **SUMMARY:** On October 3, 2017, the Board of County Commissioners approved Agreement (R2017-1492) with the District and authorized the County Administrator or designee to sign all future time extensions and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement. The Agreement outlines the cooperative process in which Palm Beach County Environmental Resources Management will collect monthly surface water quality samples and associated field parameters at fourteen stations in Lake Worth Lagoon (LWL). Amendment No. 02 is limited to the extension of the period of performance from the current expiration date of October 1, 2022 to February 28, 2023; in order for the District to process a new cooperative agreement that outlines program changes identified in Amendment No. 01 (R2020-1081). Each party is responsible for their own expenses under this Agreement. In accordance with County PPM CW-O-051, all delegated contracts/agreement/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: a Temporary Construction Easement (Easement) measuring 25-foot-wide by 98-foot-long over the southeast corner of Winding Waters Natural Area (Natural Area) to Florida Power & Light Company (FPL) for a term not to exceed 24 months to facilitate the construction of a new 230 kV transmission line. **SUMMARY:** FPL has an existing permanent, 25-foot-wide, underground utility easement along the southern boundary of the Natural Area that was granted to FPL by the County on June 29, 2010 (R2010-1046) and recorded in OR Book 23954, Page 1278. FPL has requested the subject Easement over a 0.056-acre portion of the Natural Area (Easement Area) that is already encumbered by the existing underground utility easement. The Easement Area will be used as a staging area to facilitate the construction of a new 230 kV transmission line between FPL's existing Ryder Substation, located north of PGA Boulevard and east of the C-18 Canal, and its proposed Cayman Substation, located east of Military Trail and north of 45th Street. Construction of the new transmission line will help FPL comply with North American Electric Reliability Corporation planning standards. The new transmission line also will help FPL fulfill three substantial public needs: 1) maintain regional reliability; 2) avoid system overload conditions; and 3) meet future load growth in the northeastern portion of the County. The Easement will automatically expire upon completion of the transmission line project, but in no event no later than 24 months after it is recorded in the public records of Palm Beach County, Florida. **There is no cost associated with this item.** District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

**A) approve** Grant and Cooperative Agreement L22AC00513-00 with the U.S. Bureau of Land Management (BLM) for the management of the Jupiter Inlet Lighthouse Outstanding Natural Area (JILONA), for a five-year project period commencing September 14, 2022 and ending September 13, 2027;

**B) approve** a budget amendment of \$32,073 in the Natural Areas Fund to recognize the award for the first year; and

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

**SUMMARY:** A Land Stewardship Memorandum of Understanding with the BLM to collaborate on the joint management of JILONA was approved on January 15, 2008 (R2008-0072). On September 13, 2011, the Board of County Commissioners (BCC) approved BLM Grant and Cooperative Agreement L11AC20221 (R2011-1394) for the management of JILONA for a five-year period ending September 30, 2016. On December 6, 2016 the BCC approved BLM Grant and Cooperative Agreement L16AC00163 (Agreement) and Supplement 001 for the management of JILONA for another five-year period ending in July 20, 2021. The Agreement provides for reimbursement to the County up to \$32,072.87 for the management of JILONA with no County match required. The Agreement contains termination and indemnification provisions that differ from those adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the long term partnership Environmental Resources Management (ERM) has with BLM in managing the natural area and the funding that will be received. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to receive and file: Amendment to the Agreement and License for Property Access to Trim Vegetation (Agreement) with the O.R. Condominium Association, Inc. (Ocean Royale), for trimming of native vegetation on a County-owned property in Juno Beach, to extend the term of the Agreement from November 7, 2022 to November 1, 2027. **SUMMARY:** On November 7, 2017, the Board of County Commissioners approved the Agreement (R2017-1695) and authorized the County Administrator or designee to sign all future time extensions and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement. The amendment revises the Agreement to update standard County agreement provisions, correct exhibit references, and extend the Agreement term from November 7, 2022 to November 1, 2027. In accordance with County PPM CW-O-051, all delegated contracts/agreement/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 1 (SS)

M. PARKS & RECREATION

1. Staff recommends motion to:
  - A) receive and file** a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement in the amount of \$220,000 for the Bert Winters Park Redevelopment Phase IC for the period November 1, 2022 through September 30, 2024; and
  - B) approve** a budget amendment of \$220,000 within the Park Improvement Fund to establish budget for the approved grant.

**SUMMARY:** On October 4, 2022, the Board of County Commissioners (BCC) authorized submission of a Waterways Assistance Program grant application, R2022-1128, to fund a portion of the cost of the planning, design and permitting for renovation and redevelopment of the southern portion of Bert Winters Park. The BCC also authorized the County Administrator or designee to execute the Project Agreement, (Project Number: PB-22-218) and other grant forms related to this project if approved. The grant was approved, the Project Agreement has been fully executed in accordance with BCC authorization and is being submitted to the BCC to receive and file and to establish budget for the grant. **The \$220,000 FIND grant requires a \$220,000 (50%) match, which will be funded from the Bert Winters Park Redevelopment Infrastructure Sales Tax (IST) project.** The grant term is from November 1, 2022 through September 30, 2024, with a possible one-year time extension. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to:

**A) receive and file** a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement in the amount of \$175,000 for the Peanut Island Dock Renovation Phase I for the period November 1, 2022 through September 30, 2024; and

**B) approve** a budget amendment of \$175,000 within the Park Improvement Fund to establish budget for the approved grant.

**SUMMARY:** On May 3, 2022, the Board of County Commissioners (BCC) authorized submission of a Waterways Assistance Program grant application, R2022-1128, to fund a portion of the cost of the planning, design and permitting for renovation/ replacement of the Coast Guard docks at Peanut Island. The BCC also authorized the County Administrator or designee to execute the Project Agreement, (Project Number: PB-22-219) and other grant forms related to this project if approved. The grant was approved, the Project Agreement has been fully executed in accordance with BCC authorization and is being submitted to the BCC to receive and file and to establish budget for the grant. **The \$175,000 FIND grant requires a \$175,000 (50%) match, which will be funded from the Florida Boating Improvement Program Funds.** The grant term is from November 1, 2022 through September 30, 2024, with a possible one-year time extension. Districts 1 & 7 (AH)

3. Staff recommends motion to receive and file: an executed Independent Contractor Agreement for M. Regina Rodrigues, low impact and gentle exercise programs at The Club Managers Association of America Therapeutic Recreation Complex, for the period of November 1, 2022 through September 30, 2023 in an amount not to exceed \$3,150. **SUMMARY:** This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168, 2017-0822 and 2021-2049. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 3 (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: a budget transfer of \$145,000 from the Electrical Grid for Mounts Botanical Gardens Capital Project to the Windows on the Floating World Capital Project within the Capital Outlay Fund to cover the expenses necessary to complete repairs for the Windows on the Floating World (Windows) located at Mounts Botanical Garden of Palm Beach County (MBG). **SUMMARY:** This budget transfer represents a match to an earlier \$95,000 donation from the Friends of the MBG for the same Windows project, which was approved by Agenda Item 3P1 on October 5, 2021. The Electrical Grid Capital Project is significantly delayed, pending the development of a new Master Plan for the MBG, a process that was recently approved by Agenda Item 6D on October 18, 2022. Given this known delay, the budget transfer will allow us to address the high priority of finalizing repair work to Windows. The budget transfer of \$145,000 will provide for construction repair work and completion of Windows and will provide for operation of Windows in a manner consistent with programmatic expectations. District 7 (AH)

S. FIRE RESCUE

1. Staff recommends motion to approve: an agreement relating to Clinical Field Experience with HCI College LLC A/K/A Health Career Institute LLC (HCI) for a period of five years commencing on February 11, 2023, through February 10, 2028. **SUMMARY:** This agreement will allow Palm Beach County Fire Rescue to provide clinical field experience to students enrolled in HCI's paramedic and emergency medical technician programs. HCI participants will respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. The clinical field experience promotes public health, safety and welfare, and enhances the available pool of qualified personnel. The agreement is for a period of five years and can be terminated by either party at any time, with or without cause, with written notification to the other party. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: the first amendment to Interlocal Agreement R2022-0729 with the Town of Hypoluxo for additional network services with an increase in annual revenue of \$1,800. **SUMMARY:** The Town of Hypoluxo has an existing Interlocal Agreement with Palm Beach County (R2022-0729) for network services. This first amendment adds Garnett Park, located at 7210 S Federal Hwy, to the agreement and will generate an additional \$1,800 in annual revenue to the County. The Florida LambdaRail, LLC has approved the connection of the Town of Hypoluxo to the Florida LambdaRail network. District 4 (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve: an agreement with the Palm Beach County Sheriff's Office (PBSO) for access to the jail management system Incarceration Management and Cost-Recovery System (IMACS). **SUMMARY:** The Palm Beach County Division of Justice Services, Pretrial Services program seeks to enter into an interagency agreement with PBSO, to gain computerized access to jail booking information available through IMACS. Information needed may include an individual's location, prior arrest history in Palm Beach County, court minutes, out-of-county/state holds, immigration holds, probation holds, release to treatment status, bond details, and defendants on loan to another agency status. This data is for informational purposes only to ensure the Palm Beach County Division of Justice Services, Pretrial Services program can provide verified information to the First Appearance Court Judge so that the Courts can make informed bond decisions. Individuals who access this data must be cleared for the usage of the system. Countywide (RS)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: the first amendment to Contract R2022-0367 for Occupational Health Physician/Medical Director Services with Concentra which allows the County to request laboratory testing services and additional medical personnel to assist with Fire Rescue recruit physicals and other circumstances when additional staff is necessary, and increases the not-to-exceed contract amount by \$50,000, for a new not-to-exceed amount of \$514,900. **SUMMARY:** In April of 2022, the County entered into an agreement with Concentra to provide full-time on-site physician services at the County's Occupational Health Clinic. Since that time, Risk Management has recognized the need to add contract provisions that will allow Concentra to provide laboratory testing services as needed, as well as additional staffing for times when it is necessary to meet the time sensitive deadlines associated with Fire Rescue recruit physicals, CDL physicals and/or other short term increases in traffic to the Occupational Health Clinic, or in times when internal staff shortages could occur. This amendment will increase the current not-to-exceed contract value of \$464,900 by no more than \$50,000 to the new not-to-exceed amount of \$514,900. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to accept: on behalf of the Palm Beach County Sheriff's Office a Grant Award for the FY23 Statewide Criminal Analysis Laboratory System Project between the Florida Department of Law Enforcement and the Palm Beach County Sheriff's Office for the period of October 1, 2022 through September 30, 2023. **SUMMARY:** The Florida Department of Law Enforcement provides state financial assistance to five locally funded laboratories in the State of Florida, including Palm Beach County. The Palm Beach County Sheriff's Office operates the Palm Beach County Crime Laboratory. This grant award provides funding for personnel, equipment, training, and expenses to operate the Crime Lab. Since the total award amount is not known in advance, \$300,000 was budgeted in the Sheriff's Grant fund for FY23. We will amend the budget after the final quarterly payment is received in September to reconcile the revenue. **There is no match requirement associated with this award.** The Catalog of State Financial Assistance number is 71.002 and the agreement number is 2L004. Countywide (RS)

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a FY2022 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program Grant from the Department of Justice, Bureau of Justice Assistance in the amount of \$368,632 for the period of October 1, 2022, through September 30, 2024; and

**B) approve** a budget amendment of \$368,632 in the Sheriff's Grants Fund.

**SUMMARY:** The Palm Beach County Sheriff's Office (PBSO) received a grant award for the FY22 DNA Capacity Enhancement and Backlog Reduction Program in the amount of \$368,632 for the period October 1, 2022 through September 30, 2024. The Forensic Biology Unit in the Crime Laboratory of PBSO services over 28 municipalities, the school systems and assists state and local federal agencies as needed. These funds will be used to continue to support the salary and benefits of two full time Forensic Scientists, training, travel, and contractual services that will increase the efficiency of the crime lab. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance number is 16.741 and the grant number is 15PBJA-22-GG-01633-DNAX. Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. Staff recommends motion to:

**A) receive and file** Grant Modification 1 with the Office of National Drug Control Policy to provide supplemental funds in the amount of \$50,176.28 for the Palm Beach County Sheriff's Office; and

**B) approve** a budget amendment of \$50,177 in the Sheriff's Grant Fund.

**SUMMARY:** On June 14, 2022, the Board of County Commissioners approved a grant award from the Office of National Drug Control Policy in the amount of \$129,545 for the period of January 1, 2022 through December 31, 2023 (R2022-0613), to support the Palm Beach County Narcotics Task Force (PBCNTF). This agenda item will provide an additional \$50,176.28 in grants funds for the PBCNTF, which brings the grant award total to \$179,721.28. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance number is 95.001 and the contract number is G22MI0011A. Countywide (RS)

4. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a Department of Justice, Office of Justice Programs FY2022 Prosecuting Cold Cases using DNA grant award in the amount of \$500,000 for the period of October 1, 2022 through September 30, 2025; and

**B) approve** a budget amendment of \$500,000 in the Sheriff's Grants Fund.

**SUMMARY:** On October 1, 2020, the Palm Beach County Sheriff's Office received a Federal grant award in the amount of \$500,000 to increase the number of violent crime cold case prosecutions and simultaneously decrease the number of unresolved violent crime Cold Cases awaiting prosecution through the strategic, coordinated use of DNA and other forensic technologies. Funding will be used to support contractual services, investigative costs, travel, training, and supplies. **There is no match requirement associated with this award.** The Department of Justice Office of Justice Programs Catalog of Federal Domestic Assistance Number for this program is 16.741 and the contract number is 15PBJA-22-GG-03125-DNAX. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

DD. COMMISSION ON ETHICS

1. Staff recommends motion to approve: a Memorandum of Understanding (MOU) with the Delray Beach Community Redevelopment Agency and Palm Beach County to engage the services of the Palm Beach County Commission on Ethics retroactive and in effect from October 1, 2022 through September 30, 2026. **SUMMARY:** The Delray Beach Community Redevelopment Agency (Delray Beach CRA) agreed to subject itself to the jurisdiction and authority of the Commission on Ethics and its Executive Director. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Delray Beach CRA in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund the Commission on Ethics' operations. The MOU is subject to final approval of the Board of County Commissioners. Districts 4 & 7 (LDC)

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

A. PUBLIC SAFETY

1. **Staff recommends motion to approve:** the following 11 Primary Provider Emergency Medical Services (EMS) Certificates of Public Convenience and Necessity (COPCNs) to provide Advanced Life Support (ALS), ALS Transport and Basic Life Support (BLS) transport services in Palm Beach County with appropriate endorsements defining geographic service area and service type, each for a six-year term commencing on January 1, 2023 through December 31, 2028:

1) City of Boca Raton Fire Rescue: Service area to include the municipal boundaries of the City of Boca Raton.

2) City of Boynton Beach Fire Rescue: Service area to include the municipal boundaries of the City of Boynton Beach, the Town of Hypoluxo, Town of Ocean Ridge, Town of Briny Breezes and the Village of Golf.

3) City of Delray Beach Fire Rescue: Service area to include the municipal boundaries of the City of Delray Beach and the Town of Gulfstream; and the Town of Highland Beach through April 30, 2024 when the interlocal service agreement terminates.

4) City of Greenacres Fire Rescue: Service area to include the municipal boundaries of the City of Greenacres and the City of Atlantis.

5) Village of North Palm Beach Fire Rescue: Service area to include the municipal boundaries of the Village of North Palm Beach.

6) Palm Beach County Fire Rescue: Service area to include all unincorporated areas of Palm Beach County and within the municipal boundaries of those municipalities that contracted for service or are in the Fire Rescue MSTU or Jupiter MSTU. These areas include Belle Glade, Cloud Lake, Glen Ridge, Haverhill, Jupiter, Juno Beach, Lake Clarke Shores, Lake Park, Lake Worth Beach, Lantana, Loxahatchee Groves, Manalapan, Pahokee, Palm Springs, Royal Palm Beach, South Bay, South Palm Beach, Wellington, and Westlake. Air Ambulance (Countywide)

7) Town of Palm Beach Fire Rescue: Service area to include the municipal boundaries of the Town of Palm Beach.

8) City of Palm Beach Gardens Fire Rescue: Service area to include the municipal boundaries of the City of Palm Beach Gardens.

9) City of Riviera Beach Fire Rescue: Service area to include the municipal boundaries of the City of Riviera Beach and the Town of Palm Beach Shores.

4. PUBLIC HEARINGS – 9:30 A.M.

A. PUBLIC SAFETY (Cont'd)

1. (Cont'd)

**10)** Village of Tequesta Fire Rescue: Service area to include the municipal boundaries of the Villages of Tequesta and, Jupiter Inlet Colony; and the four geographical areas covered by an Interlocal Agreement with Palm Beach County Fire Rescue.

**11)** City West Palm Beach Fire Department: Service area to include the municipal boundaries of the City of West Palm Beach and the Town of Mangonia Park.

**SUMMARY:** Pursuant to Palm Beach County Code, Chapter 13, Article II, EMS Ordinance, any agency desiring to provide primary ALS and BLS transport services in Palm Beach County, must submit an application to the County and meet the requirements for issuance of a COPCN. Applications for primary providers are issued every six years for a six-year term. Since January 1, 2016, the same 11 primary providers requesting approval today for a COPCN have been the recipient of the primary provider COPCNs in Palm Beach County, which expire December 31, 2022. Eleven applications for primary provider COPCNs were received. The EMS Ordinance Administrator's responsibilities include reviewing the applications for compliance with the EMS Ordinance application requirements, consideration of the need for the proposed services in the requested area, and preparing a report with recommendations for the EMS Advisory Council (Council). The Administrator's report with the recommendations on all applications was subsequently submitted to the Council for their review and recommendations. All of the 11 applicants met the requirements for issuance of their respective COPCN's with requested endorsements to specify level of service and geographic area requested. On November 17, 2022, the Emergency Medical Services Advisory Council reviewed the applications and supporting documentation and has recommended approval. Countywide (SB)

4. PUBLIC HEARINGS – 9:30 A.M.

B. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

**A) determine** that Palm Beach County (County) has adhered to and implemented its Five Year Road Program (Road Program) based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan and that fewer than 20% of the Fiscal Year 2021 construction projects are more than 12 months behind schedule;

**B) adopt** an Ordinance amending Chapter 23, Article 1, Section 23-1(C) of the County Code (adoption of revised Road Program); providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date; and

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

**SUMMARY:** On November 15, 2022, the Board of County Commissioners (BCC) approved this amendment of Ordinance No. 2022-015 on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. This is the annual update of the County's Road Program, which is required to be considered each year by the Road Program Ordinance. The Unified Land Development Code requires that concurrent with the adoption of the annual Road Program, the BCC must determine that the appropriate Findings of Fact associated with the Road Program have been made. Those findings have been made. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five years. The approval to hire professionals will facilitate the property acquisitions necessary to accomplish the road improvement goals of the Road Program, as amended herein, for Fiscal Year 2023 through Fiscal Year 2027. Countywide (YBH)

4. PUBLIC HEARINGS – 9:30 A.M.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, conceptually approving the conveyance of a permanent, non-exclusive easement over approximately 2.8 acres of environmentally sensitive land within Loxahatchee Slough Natural Area to Florida Power & Light to allow for the construction, maintenance, and operation of a new 230 kV transmission line; and conceptually accepting Florida Power & Light's donation and transfer of approximately 14.13 acres of high-quality, environmentally sensitive land into the county's conservation lands program and the permanent preservation of that land as part of Loxahatchee Slough Natural Area, pursuant to the Conservation Lands Protection Ordinance (Ordinance 2003-052). **SUMMARY:** This is the first of two agenda items to come before the Board of County Commissioners (Board) in compliance with the requirements of the County's Conservation Lands Protection Ordinance (Ordinance No. 2003-052, CLPO). This item will conceptually approve the conveyance of a permanent, non-exclusive utility easement over County-owned conservation lands in exchange for the donation of approximately five times as much high-quality environmentally sensitive lands. The second agenda item, which is tentatively scheduled to come to the Board on January 10, 2023, will formally authorize conveyance of the easement and acceptance of the compensatory land donation. Florida Power & Light (FPL) submitted an application for Interest in Conservation Lands under the CLPO to obtain an easement over five 15-foot-wide strips of land, totaling 2.8 acres, within the County's Loxahatchee Slough Natural Area (Natural Area). The requested easement will allow FPL to construct, maintain, and operate a new 230 kV transmission line between its Ryder Substation, located north of PGA Boulevard and east of the C-18 Canal, and Cayman Substation, located east of Military Trail and north of 45th Street. The proposed transmission line will fulfill a substantial public need by helping FPL maintain regional reliability, avoid system overload, and meet future load growth in Palm Beach County. It also will help FPL comply with North American Electric Reliability Corporation planning standards. There is no acceptable alternative that would meet the specified public need other than the use of conservation lands. The requested easement contains the minimum acreage necessary to accommodate the proposed project, impacts the lowest quality habitat, and avoids habitat fragmentation, noise, and light pollution on the remaining portion of the Natural Area. The lands upon which the easement will be placed are on the periphery of the Natural Area adjacent to public right-of-way. The requested easement will not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture. In exchange for the requested easement, FPL will donate and transfer 14.13 acres of high-quality environmentally sensitive lands into the County's Conservation Lands Program. The proposed land donation meets the relevant criteria for acquisition as specified in the CLPO and is sufficient in terms of acreage, location, and quality to ensure that the proposed donation will result in an "Exceptional Benefit to the Conservation Lands Program."

4. PUBLIC HEARINGS – 9:30 A.M.

C. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

1. **(Cont'd) SUMMARY:** The 14.13 acres of land to be donated to the County are of comparable ecological value and are contiguous to and surrounded by the Natural area on two sides, with less exposure to roadways than the land to be placed under easement. The net value of the donated lands exceeds the current value of the requested easement. The donated lands will be incorporated into the adjacent Natural Area and managed by the County's Department of Environmental Resources Management (ERM). Adoption of this resolution will conceptually authorize the County's conveyance of the requested easement to FPL, subject to FPL's donation of approximately 14.13 acres of environmentally sensitive lands to the County and transfer of those lands into the Conservation Lands Program. The actual transfer of the requested Interest in Conservation Lands and acceptance of the compensatory land donation require a separate submittal for consideration by the Board, at one of its regular meetings, of an easement or other instrument capable of conveying the requested easement interest from the County to FPL and a warranty deed, purchase and sale agreement, or other instrument capable of conveying the donation lands to the County in fee simple title. ERM, the Natural Areas Management Advisory Committee and City of Palm Beach Gardens agree that FPL's Application for Interest in Conservation Lands satisfies the requirements of the CLPO, and recommend approval of the application. **There is no cost associated with this item. This resolution must be adopted by a supermajority vote (5 Commissioners).** District 1 (SF)

4. PUBLIC HEARINGS – 9:30 A.M.

D. HOUSING AND ECONOMIC DEVELOPMENT

1. **Staff recommends a motion to adopt:** a Resolution of the Palm Beach County Board of County Commissioners (BCC), Florida, making certain findings and designating the real property located at 9645 and 9719 Lantana Road in unincorporated Palm Beach County, Florida 33467, further identified by Property Control Numbers 00-42-43-27-05-034-0431 and 00-42-43-27-05-034-0432 (the Subject Property), as a Brownfield Area pursuant to Section 376.80(2)(c), Florida Statutes, to be known as Encompass Health Green Reuse Area, for the purpose of rehabilitation, job creation and promoting economic development; providing for an effective date; and for other purposes. **SUMMARY:** On October 18, 2022, the BCC approved two motions to allow for a Brownfield Area designation of the Subject Property: 1) a waiver of the statutory requirement that one of two public hearings be held after 5:00 p.m.; and 2) The advertising of public hearings on Tuesday, November 15, 2022 at 9:30 a.m., and Tuesday, December 20, 2022 at 9:30 a.m. On November 15, 2022, the BCC approved a motion to approve on first reading and to advertise for adoption on December 20, 2022. On September 14, 2022, the owner of the property, Encompass Health Rehabilitation of Lake Worth, LLC, submitted an application to the Department of Housing and Economic Development to designate the Subject Property as a Brownfield Area. The western portion of the Subject Property was formerly operated as a mulching business and is impacted by discharges of arsenic. The eastern portion of the property is a single-family home and is impacted by concentrations of the benzo(a)pyrene congeners. The applicant plans to develop the Subject Property as an institutional development (Hospital). The rezoning of the 8.21 acre site was approved by the BCC at the June 23, 2022 Zoning Hearing via Resolution 2022-0630, concurrent with a future land use amendment, to allow for the development of 76,049 square feet of hospital use. The approved Preliminary Site Plan indicates a two-phased development with 54,642 square feet and 50 beds within Phase 1, and 21,407 square feet and 30 beds in Phase 2, with 147 parking spaces. Prior to redevelopment, the applicant is seeking a “Brownfield Area” designation under Florida’s Brownfields Redevelopment Act. The applicant indicates that the proposed development will create no fewer than 88 permanent, full-time equivalent jobs in its first year of operation, which exceeds the minimum job creation threshold of 5 jobs. **No County funds for implementation are required.** District 6 (HJF)

4. PUBLIC HEARINGS – 9:30 A.M.

E. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to adopt:

**A)** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 19-20 of the Palm Beach County Code; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date; and

**B)** a resolution recognizing that the Facilities Development and Operations Department (FDO) is responsible for the management of parking lots and parking garages in and around certain County facilities.

**SUMMARY:** This is an ordinance to amend Section 19-20 of the Palm Beach County Parking Ordinance (Ordinance 2006-008) to recognize certain County parking management practices. The Palm Beach County Parking Ordinance, among other things, authorizes the County Engineer to determine and designate traffic restrictions on certain roads within the boundaries of the County, and, subject to resolution of the Board, to establish parking regulations in parking areas located on property owned or leased by the County, whether or not such parking areas are located within the boundaries of a municipality. The proposed revision to the ordinance recognizes that the County Engineer may delegate his authority to establish parking regulations for certain parking facilities to other County departments. Since the first reading to amend this ordinance on November 15, 2022, a minor edit was made, removing reference to the pronouns “his or her” to the revision recognizing the County Engineer’s delegation authority. The Facilities Development & Operations department (FDO) has long been responsible for the parking lots and parking garages, including parking meters, at certain County facilities operated and managed by FDO. FDO has also long been responsible for collecting and accounting for the monies generated by the metered parking at these facilities. FDO is requesting the Board of County Commissioners (Board) recognize that FDO is responsible for managing certain county parking garages and lots, and is responsible for managing the assessments and collection of metered parking fees. The resolution authorizes FDO to manage and maintain the parking garages and lots associated with County facilities operated and managed by FDO, and to collect and account for the monies generated by metered parking. The resolution also requires that FDO prepare a policy and procedure memorandum (PPM) regarding how the FDO Director is to review metered parking fees from time to time and determine whether the parking fee should be raised or lowered. Finally, the resolution requires that FDO seek Board approval before installing metered parking at any County facility that does not already have metered parking as of the date of this resolution. Currently, only three of the locations managed by FDO provide for assessment of metered parking fees: the Judicial Center Garage and surface lot, the Governmental Center Garage, and the 4<sup>th</sup> Street surface lot located adjacent to the Governmental Center. The County Engineer will continue to maintain authority over any metered parking within County road rights-of-way. The County Engineer has no objection and supports this request. (FDO Admin) Countywide (MWJ)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to:

**A) receive and file** Florida Department of Transportation (FDOT) Public Transportation Grant Agreement (PTGA) 452128-1-94-01 in the amount of \$388,282 for Work Order MC 02: T-Hangar Electrical Improvements at Palm Beach County Park Airport (LNA). Delegation of authority for execution of this grant was approved by the BCC on August 25, 2020 (R2020-1017). This grant is effective as of November 2, 2022 with an expiration date of December 31, 2024;

**B) approve** Amendment No 8 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$479,604 and 196 calendar days for Work Order MC 02: T-Hangar Electrical Services Improvements at LNA and exercising the third and final one year renewal option for the continuation of services; and

**C) approve** a budget amendment of \$388,282 in the Airport's Improvement and Development Fund to recognize the receipt of grant funding from the FDOT.

**SUMMARY:** The FDOT has issued a PTGA (CSFA No. 55.004) reflecting their commitment of funding to the above referenced project in the amount of \$388,282 or 80% of the eligible project costs, whichever is less for the T-Hangar Electrical Improvements at LNA. Airport required local match of \$97,071 is in the current budget. This PTGA provides for the County to indemnify the FDOT to the extent allowed by law and pursuant to the limitations of Section 768.28, Florida Statutes, to the extent caused by the County's negligence, recklessness or intentional wrongful misconduct. The contract with The Morganti Group, Inc. for CM at Risk Services for Airport Improvements for the Department was approved by the Board on January 15, 2019 (R2019-0042). The contract is for two years with three one-year renewal options and is a task/work order based contract for CM at Risk services for the Department. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. The contract value to date is \$14,094,802.82. Approval of Amendment No. 8 in the amount of \$479,604 and 196 calendar days will enable MGI to complete Work Order MC 02: T-Hangar Electrical Services Modifications at LNA. In addition, approval of Amendment No. 8 provides for the exercise of the third and final one-year renewal option for the continuation of services provided under the CM at Risk Contract. A Disadvantaged Business Enterprise (DBE) goal of 12% was established for this contract. DBE participation of this work order is 8% due to the limited opportunities for trade participation. DBE participation for this contract to date is 32%. 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)

5. REGULAR AGENDA

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving a revised Schedule of Fees for the Department of Environmental Resources Management (ERM), and repealing Resolutions R2009-2017 and R1994-1052. A number of fees to be charged for permit approval, approval applications and related services that are provided for by the Unified Land Development Code (ULDC) and the Palm Beach County Code are being modified or eliminated. **SUMMARY:** The resolution is an update of the existing Schedule of Fees (last adopted on November 17, 2009) to more closely reflect the costs of services provided by ERM. The fees are modified to partially offset ERM administrative costs related to the review and processing of ULDC required processes and for building permit plan review. The resolution does not create any new fees and eliminates three fees. Specifically, the equestrian use permit fee, a fee for an additional vegetation inspection and the fee for File Searches are being eliminated as each are no longer applicable to today's processes. In addition, ERM is including the Environmental Reviews Section D.2. fees in its proposed Schedule of Fees that were previously referenced in the Planning, Zoning and Building (PZB) Department Schedule of Fees, Resolution R2008-1754, as amended. The fees provided for in the resolution are expected to generate an additional \$59,886 in revenue annually to offset the cost of services. Countywide (SF)

5. REGULAR AGENDA

C. FIRE RESCUE

1. Staff recommends motion to adopt:

**A)** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the conveyance and transfer of title of an Advanced Life Support (ALS) rescue (Asset 10187973), to Glades County, Florida, pursuant to Section 125.38, Florida Statutes, contingent upon receipt of \$10 consideration and a duly executed Acceptance of Fire Rescue Vehicle(s) and/or Equipment Form; and providing for an effective date; and

**B)** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the conveyance and transfer of title of two Advanced Life Support (ALS) rescues (Assets 10187971 & 10189936), to Gadsden County, Florida, pursuant to Section 125.38, Florida Statutes, contingent upon receipt of \$10 consideration and a duly executed Acceptance of Fire Rescue Vehicle(s) and/or Equipment Form; and providing for an effective date.

**SUMMARY:** Glades County and Gadsden County currently operate full-time Fire Rescue departments. Due to budgetary constraints and long delivery wait times both Glades and Gadsden counties have not been able to purchase additional ALS vehicles, and have been operating either borrowed units from nearby counties, or units past their life expectancy to serve their residents. The assets being transferred are not needed for County purposes and have a de minimis useful value to the Fire/Rescue MSTU. The total estimated value of the assets is \$25,906. Countywide (SB)

D. PLANNING ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the official fee schedule as established in Resolution R2008-1754, as amended, to modify fees due to recent Unified Land Development Code changes, increase fees related to review of Comprehensive Plan (Plan) consistency and applicable appeals, and eliminate Environmental Resources Management (ERM) fees that are being included in ERM's fee resolution. **SUMMARY:** The resolution is an update of the existing Fee Schedule to more closely reflect the costs of services provided by the Planning, Zoning & Building Department (PZB) and recent revisions to the ULDC. This resolution updates and provides revisions to the current fee schedule for the Planning and Zoning Divisions in PZB. These fees will continue to be annually adjusted as provided for in previous resolutions according to the Consumer Price Index. No change to Building Permit fees is proposed in this item. In addition, fees that were referenced in R2008-1754, as amended, for ERM are being eliminated and ERM is including these fees in its proposed Schedule of Fees. Unincorporated (SF)

5. REGULAR AGENDA

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

**A)** the U.S. Department of Housing and Urban Development (HUD) FY 2021 Continuum of Care (CoC) Planning Project Grant (CDFA# 14.267) Agreement No. FL0927L4D052100, for the period October 1, 2022 through September 30, 2023, for a total amount not-to-exceed \$236,845, for the coordination of planning activities related to ending homelessness;

**B)** an upward budget amendment in the amount of \$64,252 in FY 2023 in the Housing and Urban Development fund to recognize the CoC Planning award; and

**C)** a budget transfer in in the amount of \$12,850 from the General Fund, Contingency Reserves to HUD-Housing and Urban Development fund.

**SUMMARY:** On December 21, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the 2021 HUD CoC Planning Project Grant Application (R2021-1907). The Palm Beach County CoC Planning Project Grant Agreement (CDFA# 14.267) will provide funding for the coordination and evaluation of activities related to ending homelessness. These activities involve coordination of monthly CoC meetings and sub-committee meetings, administration of the Homeless Management Information System, annual preparation of the HUD CoC grant application, and technical assistance and monitoring of local grant recipients. A 25% cash match of \$59,211 is required and partially included in the FY 2023 budget. The budget transfer of \$12,850 will satisfy the remainder of the transfer. (Division of Human Services) Countywide (HH)

5. REGULAR AGENDA

F. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

**A) approve** a HOME Investment Partnerships Program (HOME) award of \$1,000,000 to SP Palm Beach LLC;

**B) direct** staff to negotiate the Loan Agreement; and

**C) authorize** the County Administrator or designee to execute the Loan Agreement, amendments thereto, and all other documents necessary for project implementation.

**SUMMARY:** On September 7, 2022, the Department of Housing and Economic Development (HED) issued Request for Proposals HED.2022.5 (RFP) making up to \$1,000,000 in Federal HOME funding available for a Local Government Area of Opportunity Funding (LGAOF) loan contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. Per FHFC rules, the LGAOF contribution may only be made to one project. A selection committee consisting of three voting members met at a public meeting held on November 3, 2022, and recommended funding of a \$1,000,000 loan to SP Palm Beach LLC, (an affiliate of Southport Development, Inc.) for Calusa Pointe, an affordable rental development for the elderly to be located at the Southeast intersection of State Road 80 and County Road 827, within the City of Belle Glade. The project will consist of 110 one- and two-bedroom newly constructed apartments as follows: 12 units for 28% of Area Median Income (AMI), and 98 units for 60% AMI. The project will include 12 HOME-assisted units, all of which will be set aside for 28% AMI. The HOME-assisted units will remain affordable for no less than 50 years. The total cost of development is \$32 million. The HOME award is contingent on FHFC approval of 9% Housing Credits for Calusa Pointe, which will provide an estimated \$22 million in tax credit equity toward the project. If the 9% Housing Credits are not approved by FHFC, the HOME award to SP Palm Beach LLC will be automatically cancelled and the HOME funds will be reprogrammed. The Loan Agreement and related documents pursuant to these HOME funds will be between the County and SP Palm Beach LLC (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator or designee to execute the Loan Agreement and related documents. **These are Federal HOME Program grant funds, which require a 25% local match provided by State SHIP grant funds.** District 6 (HJF)

5. REGULAR AGENDA

F. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: a Request for Release of Funds and Certification (HUD Form 7015.15) on behalf of the Palm Beach County Community Services Department (CSD) for activities approved by the U.S. Department of Housing and Urban Development (HUD) through the Community Project Funding/ Congressionally Directed Spending Program (CPF). **SUMMARY:** HUD awarded a \$1,000,000 CPF grant to CSD to remodel the Health Clinic at the Senator Philip D. Lewis Homeless Resource Center and convert it into a medical respite facility with four to five beds for homeless individuals. The CPF Program requires that an environmental review be performed in accordance with Federal regulations at 24 CFR Part 58. The environmental review has been completed by the Department of Housing and Economic Development and the County must now provide HUD with a Request for Release of Funds and Certification (HUD Form 7015.15) for the project. The Certification affirms that procedures required by 24 CFR Part 58 have been followed, the activity did not require an Environmental Impact Statement, and the County will comply with the National Environmental Policy Act and other environmental laws as they relate to the activity. A required Notice of Intent to Request Release of Funds was published on November 20, 2022, and no public comments were received during a 15-day comment period. Approval of the certification will allow CSD to proceed with CPF activities that will shelter homeless individuals with medical conditions. District 7 (HJF)

5. REGULAR AGENDA

G. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to approve:

A) a sixth amendment to Development Agreement with The Related;

B) a fifth amendment to Hotel Lease with CityPlace Hotel, LLC; and

C) Amended Easement Agreement for Parking Spaces-B Deck Garage among CityPlace Retail, L.L.C., CityPlace Community Redevelopment District, as Grantors, and CityPlace Hotel, LLC and Palm Beach County, as Grantees.

**SUMMARY:** On October 30, 2012, the Board of County Commissioners (Board) approved the Development Agreement amongst the County, The Related Companies, L.P. (Related) and CityPlace Hotel, LLC (Developer) (R2013-0103), as amended, and the Hotel Lease between the County and CityPlace Hotel, LLC (R2013-0104), as amended, to facilitate the construction and operation of the Convention Center Hotel (Hotel). Pursuant to the third amendments to the Development Agreement and Hotel Lease (R2015-1856 and R2015-1857, respectively), the County agreed to defer Related and Developer's obligation to construct a parking garage pending completion of traffic circulation and parking studies. In lieu of the parking garage, the Developer constructed a surface lot accommodating 255 valet parking spaces adjacent to the Hotel and secured use of 375 additional valet parking spaces at the B Deck Garage in City Place through an Easement Agreement for Parking Spaces-B Deck Garage (R2015-1860). The third amendments provided that the County would make a final determination, in its sole discretion, on the Developer's obligations to construct the parking garage once the studies were completed. While the studies have been completed, Staff recommends postponement of the final determination on the construction of the parking garage. The subject sixth amendment to Development Agreement and fifth amendment to Hotel Lease memorializes said postponement. The Developer is currently in the process of refinancing its mortgage and a closing date has not been scheduled as of the date of drafting this agenda item. As such, the financial institution information will be resolved on the Consent & Subordination to Easement Agreement pending Board approval of this item. The Developer has requested, and Staff recommends, a reduction of the 375 valet parking spaces at the B Deck Garage to 100 valet parking spaces through approval of the Amended Easement Agreement for Parking Spaces-B Deck Garage. (Property & Real Estate Management) District 7 (HJF)

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DECEMBER 20, 2022

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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**DECEMBER 20, 2022**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**DECEMBER 20, 2022**

**8. COMMISSIONER COMMENTS**

**District 1 – COMMISSIONER MARIA G. MARINO**

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

**District 3 – COMMISSIONER DAVE KERNER**

**District 4 – COMMISSIONER MARCI WOODWARD**

**District 5 - COMMISSIONER MARIA SACHS**

**District 6 – COMMISSIONER SARA BAXTER**

**District 7 – COMMISSIONER MACK BERNARD**

Request for off-site Proclamation declaring December 23, 2022 as Fritz Valdeus Jr. Hanetball360 Day in Palm Beach County

**DECEMBER 20, 2022**

**9. 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."