

March 14, 2023
8:30am

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 14, 2023

<u>PAGE</u>	<u>ITEM</u>	
94	3FF-1	RENUMBERED TO 3D-1
95	C	TITLE CHANGE: Proclamation declaring <u>Certificate of Recognition</u> Palm Tran's Most Frequent Riders (District 7)
95	L	ADD-ON: Proclamation declaring March 21-27, 2023 as National Agricultural Week (District 6)
95	M	ADD-ON: Proclamation declaring March 14, 2023 as Palm Beach County Fire Rescue Advanced Life Support Team Day (District 5)

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**

MARCH 14, 2023

**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 (16 - 94)**
- 4. SPECIAL PRESENTATIONS (Page 95)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 96-97)**
- 6. REGULAR AGENDA (Pages 98-105)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Pages 105-106)**
- 8. BOARD APPOINTMENTS (Page 107)**
- 9. STAFF COMMENTS (Page 108)**
- 10. BCC COMMENTS (Page 109)**
- 11. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 110)**
- 12. ADJOURNMENT (Page 111)**

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3B-2 Minutes

3B-3 Contracts and claims settlements list

3B-4 Change orders, work task orders, minor contracts, final payments, etc.

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3C-3 Pavement marking contract with Southwide Industries, Inc.

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3C-5 Pathway and minor construction services with Wynn & Sons Environmental Construction Company, Inc.

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3C-7 Work Order 2021050-34 to mill and resurface Boca Chase Drive with Ranger Construction Industries, Inc.

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3C-8 Amendment to Infrastructure Surtax Project Plan to advance the Cresthaven Boulevard resurfacing project.

3C-9 Work Order to the annual traffic signal contract with Gerelco Traffic Controls, Inc. to construct a new mast arm traffic signal.

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3C-13 Workorder 2021050-15 to mill and resurface 130th Avenue North from Randolph Siding Road to Indiantown Road utilizing Palm Beach County's annual asphalt milling and resurfacing contract R2021-0985 with M&M Asphalt Maintenance, Inc.

3C-14 Release of replaced portion of drainage easement located west of Old Dixie Highway and north of Watertower Road.

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3C-15 Release of replaced portion of drainage easement located west of Farmdale Road, south of Ranch House Road, and north of Ohio Street.

D. COUNTY ATTORNEY

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3D-1 Professional Legal Services by and between Palm Beach County and Barry S. Balmuth P.A. for legal services in connection with eminent domain and inverse condemnation litigation for the County in an amount not to exceed \$850,000.00, including costs; (COUNTY ATTORNEY)

E. COMMUNITY SERVICES

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3E-5 Amendment 001 for Emergency Home Energy Assistance with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. to provide support services for the elderly.

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3F-4 Amendment to extend Public Transportation Grant Agreement with FDOT for the Emergency Generator for Fuel System at Palm Beach County Glades.

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3F-5 First amendment to Signatory Airline Agreement with Delta Air Lines, Inc. at PBI replacing the terminal area leasehold space exhibit.

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3F-7 Change Order 3 to Amendment 7 at Risk Contract with The Morganti Group, Inc. for miscellaneous airport improvements.

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3G-2 Settlement offer for full satisfaction for two code enforcement liens against Sultan Ahmed and Begum Ahmed.

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3H-5 Interlocal Agreement with United States Department of Justice, FBI allowing for interoperable communications through countywide common talk groups of County's Public Safety Radio System for five years.

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3H-6 Contract with The Weitz Company, LLC for the Main County Courthouse Building and Renovations project located at 205 N Dixie Highway, WPB, FL 33401.

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3H-15 Amendment 10 with Lebolo Construction Management, Inc. for the Glades Pioneer Park Playground Replacement project for construction services.

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- 3I-9 Budget transfer in the Housing and Economic Sustainability Fund to allocate funds for renovations at Duncan Padgett Park; and budget amendment in the Park Improvement Fund to recognize HED budget transfer.

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- 3I-10 Amendment 3 to loan agreement with Habitat Housing Solutions for construction of three, for-sale, single family homes extending the completion date.
- 3I-11 Budget transfer in the Housing and Economic Sustainability Fund to allocate funds for the Wabasso Drive Bridge Replacement project, and budget amendment in the Transportation and Improvement Fund to recognize HED budget transfer.

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- 3I-12 Budget transfer in the Housing and Economic Sustainability Fund to allocate funds for the resurfacing of roadways with the Penn Park neighborhood project; and budget amendment in Transportation and Improvement fund to recognize budget transfer.

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- 3L-2 FDEP Standard Agreement No.23PB1 for construction of the South Jupiter Beach Restoration Project, and a budget amendment in the Beach Improvement Fund to recognize revenue award from FDEP; and authorization of County Administrator/Designee.
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3M-7 Memorandum of Agreement with the Children's Services Council of Palm Beach County providing funding for processing fees associated with lifeguarding and water safety.

P. COOPERATIVE EXTENSION SERVICE

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3P-1 Board appointments and reappointments

Q. CRIMINAL JUSTICE COMMISSION

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3Q-3 Four Board Appointments and two Board Re-appointments.

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- 3S-2 Copy of municipal ordinance 12-22 of the Town of Jupiter, extending the Town’s participation in the Jupiter Municipal Services Taxing Unit.
- 3S-3 State-Funded Grant Agreement Urban Search and Rescue Grant with State of Florida, Division of Emergency Management, and a budget amendment to recognize grant award for FY2023.
- 3S-4 Resolution authorizing the conveyance and transfer of title of an Advanced Life Support rescue to the Sheriff of Palm Beach County.

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- 3S-5 Ratify FY2022 Assistance to Firefighters Grant application electronically submitted to the U.S. Department of Homeland Security’s Federal Emergency Management Agency for the purchase of Liquid CO2 Extractor machines, and the designation of County Administrator/Designee as County’s representative to electronically sign and submit grant application and certifications.

U. INFORMATION SYSTEMS SERVICES

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- 3U-1 AT&T Special Service Arrangement Agreement to purchase and install Vesta Call-Taker Work supplementing the existing equipment/software with County’s NextGeneration 911 and Public Safety Answering Point Systems.

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- 3X-1 Standard 9-1-1 Public Safety Answering Point “Agreement for the Installation, Operation, and Maintenance of the 9-1-1 Emergency Call Handling System” template to be executed with municipalities within Palm Beach County, and authorizing County Administrator/Designee to execute agreements, amendments, etc.

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- 3Z-1 Renewal of the excess property, excess liability, excess workers' compensation insurance programs, and ancillary policies purchased under Contract No 21-040DP through Risk Management Associates, Inc.

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- 3AA-1 FY2023 Certifications and Assurances to the Federal Transit Administration, and authorize County Administrator/Designee to electronically execute and file certifications and assurances.

BB. YOUTH SERVICES

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CC. SHERIFF

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- 3CC-1 Accept Subgrant Agreement from the State of Florida Department of Transportation for the Palm Beach County Sheriff's Office, Palm Beach County Speed and Aggressive Driving Strategy project.
- 3CC-2 Accept Subgrant Agreement from the State of Florida Department of Transportation for the Palm Beach County Sheriff's Office, Palm Beach County Occupant Protection Program project.

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- 3CC-3 Accept Federally Funded Sub-Award Grant Agreement for a FY22 State Homeland Security Grant, and approve budget amendment in the Sheriff's Grant Fund.

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CC. SHERIFF (cont'd.)

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3CC-5 Grant Modification #2 with Office of National Drug Control Policy to provide supplemental funds for Palm Beach County Sheriff's Office; and approve budget amendment in the Sheriff's Grant Fund.

DD. EQUAL OPPORTUNITY

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3DD-1 Appointment of one At-Large member to the Fair Housing/Equal Employment Board.

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3DD-2 Ratify the Mayor's signature on the Cooperative Agreement Amendment with the U.S. Department of Housing and Urban Development for the performance period from 2021 through 2022.

EE. TOURIST DEVELOPMENT COUNCIL

Page 93

3EE-1 Two executed Palm Beach County FY2023 Category "G" Grant Agreements managed by Palm Beach County Sports Commission, Inc. with Championship Tournaments, LLC., for promotion of the Development Player League, and with Equestrian Sport Production, LLC for the promotion of the Winter Equestrian Festival.

3EE-2 Executed Palm Beach County FY2023 Category "G" Grant Agreement with Equestrian Sport Productions, LLC for the promotion of the Equestrian Holiday & Horses Circuit.

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3EE-3 Two executed Palm Beach County FY2023 Category "G" Grant Agreements managed by Palm Beach County Sports Commission, Inc. with Maureen Connolly Brinker Tennis Foundation, Inc. for the promotion of the Little Mo Internationals in Florida, and with Palm Beaches Marathon, LLC for the promotion of the Garden of Life Palm Beaches Marathon.

3EE-4 Executed Palm Beach County FY2023 Category "G" Grant Agreement with the Palm Beach County Sports Commission, Inc. for the promotion of the Holiday Basketball Classic of the Palm Beaches.

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- 4A International Maintenance Conference Award
- 4B Government Finance Professionals Week
- 4C Palm Tran Most-Frequent Riders
- 4D Florida Bicycle Month
- 4E Kitty Lunden Certificate
- 4F Flood Awareness Week
- 4G 50th Anniversary of the Palm Beach County Chapter of National Organization for Women
- 4H National Farmworker Awareness Week
- 4I Sexual Assault Awareness Month
- 4J Women's History Month
- 4K The Lord's Place Sleepout Homelessness
- 4L National Agricultural Week
- 4M Palm Beach County Fire Rescue Advanced Life Support Team Day

PUBLIC HEARINGS – 9:30 A.M.

A. ADMINISTRATION

Page 96

- 5A-1 Ordinance of the Board of County Commissioners of Palm Beach County, Florida adding Chapter 29 to the Palm Beach County code prohibiting unauthorized projections of signs onto buildings, structures or other places.

B. FINANCIAL MANAGEMENT AND BUDGET

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- 5B-1 Resolution of the Board of County Commissioners of Palm Beach County, Florida approving FY2023 Mid-Year Budget Amendments and Transfers; and budget amendments and transfers in various funds.

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A. FACILITIES DEVELOPMENT AND OPERATIONS

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6A-1 License agreement with Transit Village, LLC, for use of County-owned property known as North County Block, and first amendment to license agreement extending the term.

Page 99-100

6A-2 Agreement for purchase and sale of two 1.3 acre parcels of vacant land located north of Indiantown Road and east of Bee Line Highway from John Joseph Erhart; a Memorandum of Agreement; agreement for purchase and sale of 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Modeline Gaspard and Jean Gaspard; a Memorandum of Agreement; agreement for purchase and sale of 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Susan Witonsky and Louis Witonsky; a Memorandum of Agreement.

Page 100-102

6A-3 Spring Training Facility Agreement with the State of Florida, Department of Economic Opportunity of State funding towards the renovation of the Roger Dean Chevrolet Stadium; addendum to the Second Restated Sports Facility Use Agreement between County, Jupiter Stadium Limited, Ltd., the St. Louis Cardinals, LLC and Marlins Teamco, LLC; Amendment 1 to the Developer Agreement between Jupiter Stadium Limited, Ltd. and the County increasing amount of the Project Proceeds and establishing Non-Eligible Costs; Amendment 1 to the Second Restated Sports Facility Agreement providing for the option of Semi-Annual Use Fee Payments.

B. FINANCIAL MANAGEMENT AND BUDGET

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6B-1 Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing issuance of not exceeding \$140,000,000 in total aggregate principal amount of its public improvement revenue bonds.

C. HOUSING AND ECONOMIC DEVELOPMENT

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6C-1 Resolution of the Board of County Commissioners of Palm Beach County, Florida approving issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Lake Worth Towers.

D. ENGINEERING AND PUBLIC WORKS

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6D-1 Special Presentation of overview of Department of Engineering and Public Works.

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BOARD APPOINTMENTS (Page 107)

STAFF COMMENTS

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9A-1 Receive and file updated Board Directive Reports

COMMISSIONER COMMENTS (Page 109)

MATTERS BY THE PUBLIC – 2:00PM (Page 110)

ADJOURNMENT (Page 111)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: three League of Cities appointments to the Water Resources Task Force (WRTF) Seat 2, 4, and 5 for the remainder of a three year term commencing March 14, 2023 and ending September 30, 2024 and the reassignment of Rachelle Litt from Seat No. 5 to Seat No. 12, Environmental Representative, commencing March 14, 2023 and ending September 30, 2025.

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
2	Robert Shorr	City Elected Official	9/30/2024	League of Cities
4	DD Halpern	City Elected Official	9/30/2024	League of Cities
5	Karen Lythgoe	City Elected Official	9/30/2024	League of Cities
12	Rachelle Litt	Environmental Representative	9/30/2025	

SUMMARY: The WRTF is comprised of a total of 28 representatives (14 members and 14 designated alternates for each seat). The 14 seats are as follows: six City elected officials; one County Commissioner (or their appointee); one water and/or wastewater provider or utility official; one Lake Worth Drainage District representative; one drainage/water control district elected official; one South Florida Water Management District Governing Board member; one environmental representative; one land owner in Palm Beach County actively farming that land to represent agricultural interests; and one Indian Trail Improvement District representative. Three of the appointees are elected City officials. The reassignment of Ms. Litt is based on her environmental experience as the Chair and Vice Chair of Sustainable Subcommittee of Palm Beach North Chamber, Vice Mayor of Palm Beach Gardens, and as a current WRTF member. The diversity count of the 9 current WRTF members and 3 alternates is as follows: 11 Caucasian (91.7%) and 1 Asian American (8.3%). The gender ratio (female:male) is 4:8. The agricultural representative and the drainage/water control district elected official member seats and 11 alternate seats remain vacant at this time. Staff is actively seeking to increase diversity on this board. Countywide (MJ)

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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller’s Office.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners’ meetings:

<u>Meeting Date</u>	<u>Meeting Type</u>
August 25, 2022	Zoning
August 30, 2022	Workshop
August 31, 2022	Comp plan
September 01, 2022	Comp plan
September 13, 2022	Budget
September 13, 2022	Child Care Facility
September 13, 2022	Regular
September 20, 2022	Budget

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during February of 2023. Countywide

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a contract with CONSOR Engineers, LLC (CEL) in the amount of \$757,243.54 for professional engineering services for the Summit Boulevard over C-51 Canal Bridge Replacement (Project). **SUMMARY:** Approval of this contract will provide the professional services necessary for preparing the design plans and construction bid documents to replace the Summit Boulevard bridge over the C-51 Canal. The Affirmative Procurement Initiatives selected for this contract on January 19, 2022 by the Goal Setting Committee are a 25% minimum mandatory Small Business Enterprise (SBE) participation and a Minority Business Enterprise evaluation preference for African American owned firms. CEL agreed to 40% SBE participation for the contract and exceeded it with 44.44%. On June 22, 2022, the Consultant's Competitive Negotiations Act Selection Committee selected CEL and, in accordance with PPM No. CW-O-048, the Board of County Commissioners was notified of the selection on June 23, 2022. CEL has an office located in Palm Beach County. **This Project is included in the infrastructure sales tax. District 3 (YBH)**

2. Staff recommends motion to approve: Consultant Service Authorization (CSA) No. 2 to the Annual Civil Engineering Services Contract (R2022-0463) dated May 17, 2022 (Contract) with Masse Consulting Services, LLC (MCS) in the amount of \$315,308.54 for the Seminole Colony East Drainage Improvements (Project). **SUMMARY:** Approval of this CSA will provide the professional services necessary for drainage improvements within Seminole Colony East. 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. MCS agreed to 87% SBE participation for the Contract. MCS agreed to 94.6% SBE participation for this CSA. Prior to this meeting date, approximately \$101,731.99 has been encumbered under this Contract. MCS has an office located in Palm Beach County and is a certified SBE company. **This project is included in the infrastructure sales tax. District 7 (YBH)**

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

3. Staff recommends motion to approve: a pavement marking continuing services construction contract with Southwide Industries, Inc. (SWI) in an amount not to exceed \$5,000,000, and to be in effect for 18 months from the date of approval by the Board of County Commissioners (BCC), with an option to renew for a total of 36 months. **SUMMARY:** Approval of this contract will authorize the continuing construction services necessary to complete pavement marking work orders on an as needed basis throughout Palm Beach County. The Affirmative Procurement Initiative selected for this contract on August 17, 2022 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. Bids for the contract were received by the Engineering Department on October 18, 2022. SWI agreed to 100% SBE participation. SWI was the lowest responsive, responsible bidder of two. This contract will be in effect for 18 months from the date of approval by the Board of County Commissioners, with an option to renew for a total of 36 months. SWI has an office located in Palm Beach County and is a certified SBE company. Countywide (YBH)

4. Staff recommends motion to approve: Supplement No. 1 (Supplement) to the Kirk Road, Summit Boulevard to Gun Club Road (Project) Contract (R2020-1317) dated September 15, 2020 (Contract) with McMahon Associates, Inc. (MAI) in the amount of \$103,846.54 for the professional services for the Project. **SUMMARY:** Approval of this Supplement will provide the professional services to prepare design plans to replace and/or relocate Palm Beach County Water Utilities Department (WUD) facilities identified during the Project's utility coordination process. This work will be funded by WUD. The Project was presented to the Goal Setting Committee (GSC) on May 13, 2018. The GSC applied Affirmative Procurement Initiatives of a 15% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. MAI agreed to 18% SBE participation for the Contract. They agreed to 18% SBE participation for this Supplement. Their cumulative SBE participation to date for the Contract including this Supplement is 20.52%. Prior to this meeting date, \$490,224.72 has been encumbered under this Contract. MAI has an office located in Palm Beach County. **This Project is included in the Five-Year Road Program.** District 3 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

5. Staff recommends motion to approve: a pathway and minor construction continuing services contract with Wynn & Sons Environmental Construction Company, Inc. (WSE) in an amount not to exceed \$26,200,000. **SUMMARY:** Approval of this contract will authorize the continuing construction services necessary to complete pathway and small scale construction improvements, on an as needed basis, throughout Palm Beach County. The Affirmative Procurement Initiative selected for this contract on August 3, 2022 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% is Minority Business Enterprise (MBE) for African American and/or Hispanic American owned firms. WSE contractually agreed to 22.51% SBE and 20.24% MBE participation. Bids for the contract were received by the Engineering Department on October 11, 2022. WSE was the only responsive, responsible bidder. This contract will be in effect for 18 months from the date of approval by the Board of County Commissioners, with an option to renew for a total of 36 months. WSE has an office located in Palm Beach County and is a certified SBE company. Countywide (YBH)

6. Staff recommends motion to approve: an agreement with Canyon Springs Homeowners Association, Inc. (Community) for enforcement of the traffic laws of the state to be performed by the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Approval of this agreement will authorize PBSO to provide enforcement of the traffic laws of the state upon the private roadways during normal patrol hours within the Community. Once the Community certifies that all traffic control devices installed on the Community's streets are compliant with the Manual on Uniform Traffic Control Devices (MUTCD), the Traffic Division will be able to perform field inspections to verify compliance with the MUTCD during the term of the agreement. Should the Community desire PBSO to be situated in its development at times outside normal hours, the Community understands that a separate contract must be executed with PBSO for additional services and that the Community will be invoiced by PBSO for such additional services. District 5 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

7. Staff recommends motion to approve:

A) Work Order 2021050-34 in the amount of \$432,000 to mill and resurface Boca Chase Drive from Waterberry Drive to Cain Boulevard utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger); and

B) Work Order 2021050-35 in the amount of \$351,000 to mill and resurface Boca Del Mar from Powerline Road to Palmetto Park Road utilizing the County's Contract with Ranger.

SUMMARY: Per County PPM CW-F-050, these work orders exceed the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of these work orders will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$12 million of Ranger's \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. Ranger agreed to 15% SBE participation for the Contract and 15.3% for these work orders. Their cumulative SBE participation, including these work orders is 14%. **These projects are included in the infrastructure sales tax. Districts 4 & 5** (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

8. Staff recommends motion to approve:

A) an amendment to the Infrastructure Surtax (IST) Project Plan approved by the Board of County Commissioners (BCC) on April 4, 2017, as amended on January 4, 2022, to advance the Cresthaven Boulevard from Jog Road to Military Trail resurfacing project (Project) from FY2024 to FY2023, and to increase the budget for the Project from \$300,000 to \$600,000; and

B) a budget transfer of \$600,000 within the IST Fund from Engineering's IST Reserves to increase and advance the budget for the Project from FY2024 to FY2023.

SUMMARY: Approval of the amendment and budget transfer will advance the Project from FY2024 to FY2023 and increase the funding for the Project from \$300,000 to \$600,000. The IST Project Plan is currently funding \$300,000 for the Project in FY2024. The advancement of the Project is needed to maintain the integrity of the existing pavement and provide a safe and consistent road surface area. The increase in cost is due to outdated estimates within the original IST Project Plan dated April 4, 2017, escalating construction costs, and the need for additional asphalt to complete the Project. Engineering's IST Reserve account will be replenished by \$300,000 in FY2024. The Sales Tax Oversight Committee reviewed this request at their February 16, 2023 meeting and approved it unanimously. **This Project is included in the infrastructure sales tax. District 3 (YBH)**

9. Staff recommends motion to approve: a work order in the amount of \$495,829.38 to Palm Beach County's (County) annual traffic signal contract dated August 23, 2022 (R2022-0791) with Gerelco Traffic Controls, Inc. (Gerelco) to construct a new mast arm traffic signal at the intersection of SW 18th Street and Bluewater Circle, County Intersection ID Number 67503 (Project). **SUMMARY:** Approval of this work order will allow Gerelco to construct the Project. Staff conducted a signal warrant analysis at this location and determined the intersection met the required minimum warrants for traffic signal installation on January 15, 2019. Per County PPM CW-F-050, this work order exceeds the threshold relating to staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners. Prior to this work order, none of Gerelco's \$5,000,000 contract has been spent or encumbered. Gerelco is a Port St. Lucie based company with an office in Palm Beach County. The Office of Equal Business Opportunity has granted a waiver of the Affirmative Procurement Initiative based on the limited availability of highly specialized and qualified small, minority, and woman owned businesses to perform the specialized construction of traffic signals. District 4 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

10. Staff recommends motion to approve:

A) the Annual Structural Engineering Services Contract with Alan Gerwig & Associates, Inc. (AGA);

B) the Annual Structural Engineering Services Contract with R.J. Behar & Company, Inc. (RJB);

C) the Annual Structural Engineering Services Contract with Scalar Consulting Group Inc. (SCG); and

D) the Annual Structural Engineering Services Contract with Kimley-Horn and Associates, Inc. (KHA).

SUMMARY: Approval of these contracts will provide for structural engineering services throughout Palm Beach County (County) on a consultant service authorization basis. These contracts will be in effect for 36 months from the date of approval by the Board of County Commissioners (BCC). The Affirmative Procurement Initiatives selected for these contracts on January 5, 2022 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation, with 5% of the 20% SBE participation being Minority Business Enterprise participation for African American owned firms, and an SBE Evaluation Preference. AGA agreed to 98% SBE participation for the contract. RJB agreed to 23% SBE participation for the contract. SCG agreed to 32% SBE participation for the contract. KHA agreed to 40% SBE participation for the contract. On October 6, 2022, the Consultant's Competitive Negotiations Act Selection Committee selected AGA, RJB, SCG and KHA and, in accordance with PPM No. CW-O-048, the BCC was notified of the selection on October 11, 2022. AGA, RJB, SCG and KHA have offices located in Palm Beach County and AGA is a certified SBE company. RJB, SCG and KHA will meet their SBE participation through the use of their sub-contractors. Countywide (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

11. Staff recommends motion to approve:

A) an Interlocal Agreement (Agreement) with the City of South Bay (City) in the amount of \$90,000 for Construction Inspection (CI) services of SW 10th Avenue from the south terminus to Dr. Martin Luther King Jr. Boulevard (Project); and

B) a budget amendment of \$90,000 in the Transportation Improvement Fund to recognize the Agreement with the City and appropriate it to the Project.

SUMMARY: SW 10th Avenue is a road owned and maintained by the City. Approval of this Agreement and budget amendment will allow Palm Beach County (County) to assist the City with CI for the Project, in accordance with Section 163.01, Florida Statutes. The Project has a current estimated CI cost of \$90,000. The City is receiving a federal grant administered through the Florida Department of Transportation (FDOT) for certain improvement to SW 10th Avenue including CI costs, and will reimburse the County for CI services rendered, as the City receives grant funds from FDOT. The term of the Agreement is from the date of approval by the Board of County Commissioners through completion of the Project's construction, or upon written notification of termination by the County to the City, whichever comes first. District 6 (YBH)

12. Staff recommends motion to adopt: three Resolutions declaring the acquisition of properties designated as parcels 101, 102, and 103 as fee simple road rights-of-way, and parcels 301 and 302 as temporary construction easements, necessary for the construction of the Okeechobee Boulevard and Jog Road intersection improvements (Project). **SUMMARY:** Adoption of these Resolutions will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27(1), Florida Statutes, as amended, against five parcels having a total appraised value of \$126,200. To date, the property owners have not accepted the offers to purchase made by Palm Beach County and attempts to negotiate the purchases have been unsuccessful. The parcels are necessary for the construction of a third northbound left turn lane, curb and gutter, sidewalks and additional drainage. The Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of the intersection. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. **This Project is included in the Five Year Road Program.** District 2 (DO)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

13. Staff recommends motion to approve: Work Order 2021050-15 in the amount of \$364,000 to mill and resurface 130th Avenue North from Randolph Siding Road to Indiantown Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0985 (Contract) with M&M Asphalt Maintenance, Inc. d/b/a All County Paving (M&M). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$7 million of M&M's \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. M&M agreed to 15% SBE participation for the Contract and 20% SBE participation for this work order. The cumulative SBE participation, including this work order is 6%. District 1 (YBH)

14. Staff recommends motion to approve: the release of replaced portion of drainage easement (Drainage Easement) recorded in Official Record Book 28371, Page 103, Public Records of Palm Beach County (County), located west of Old Dixie Highway and north of Watertower Road. **SUMMARY:** This approval will release a portion of the Drainage Easement, located on land to be re-platted as Dalfen Watertower Industrial by DG Lake Park Property Owner LP (Developer). The Developer is in the process of re-platting Dalfen Watertower Industrial and a portion of the Drainage Easement is inconsistent with the proposed site plan. The Developer has requested that the inconsistent portion be relocated to a replacement drainage easement within the property and recorded on February 2, 2023, in Official Record Book 34108, page 1586, Public Records of the County, in favor of the County. The County acquired the existing Drainage Easement, as recorded June 16, 2016, as part of a stipulated order of taking and final judgement. The plat has received technical compliance from the Town Council of Lake Park for the development of a one-story warehouse facility. The Developer requires the relocation of the replaced portion of the Drainage Easement in order to finalize the plat. With the recording of the replacement drainage easement, the inconsistent portion of the Drainage Easement is no longer necessary. The existing outfall system used by the County has been relocated from the inconsistent portion of the Drainage Easement to the replacement drainage easement by the Developer to accommodate improvements to the site. District 7 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd)

15. Staff recommends motion to approve: the release of replaced drainage easement (Drainage Easement), recorded in Official Record Book 18992, Page 875, public records of Palm Beach County (County), located west of Farmdale Road, south of Ranch House Road, and north of Ohio Street. **SUMMARY:** This approval will release the existing Drainage Easement, located on land to be re-platted as CHS Properties MUPD Replat (Property) by DG Palm Beach Airport Property Owner, LP (Developer). The Developer is in the process of re-platting the Property, and the Drainage Easement is inconsistent with the proposed site plan. The Developer has requested that the Drainage Easement be relocated to a replacement drainage easement within the Property, which replacement drainage easement was recorded on February 8, 2023, in Official Record Book 34112, page 861, in favor of the County. The County was granted the Drainage Easement, as recorded on July 29, 2005. The plat has received technical compliance from the County's Land Development Division. With the recording of the replacement drainage easement, the inconsistent Drainage Easement is no longer required. District 3 (YBH)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Contract for Professional Legal Services by and between Palm Beach County and Barry S. Balmuth P.A. for legal services in connection with eminent domain and inverse condemnation litigation for the County in an amount not to exceed \$850,000.00, including costs. **SUMMARY:** The legal services are necessary to litigate numerous pending condemnation projects and the defense of inverse condemnation claims. The agreement would commence on March 17, 2023, with approval of the Board of County Commissioners and would be for three (3) years in an amount not to exceed \$850,000.00, including costs. The agreement also provides for two (2) additional one (1) year options.
Countywide (DO)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: a new appointment of 1 (one) member to the Community Action Advisory Board (CAAB), effective March 14, 2023:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
12	Diane Lewis	Representative of the Low-Income Sector	09/30/2025	Democratic Election in West Palm Beach

SUMMARY: Per Resolution No. R-2018-0372, adopted April 10, 2018, amending Resolution R2014-0588, the total membership for CAAB shall be no more than 15 at-large members, comprised of one-third elected public officials or their representatives, one-third private sector members recommended by the CAAB and one-third low-income representatives selected by a democratic process in the target neighborhoods served or recommended by an agency that serves low-income population. Members will fully participate in the planning, implementation, and evaluation of the Community Services Block Grant program to serve low-income communities. Ms. Lewis meets all applicable guidelines and requirements outlined in the resolution. Ms. Lewis was elected during a democratic election held on December 6, 2022, in West Palm Beach. The diversity count for the 13 seats that are currently filled is African-American: 9 (69%); Caucasian: 3 (23%); and Hispanic-American: 1 (8%). The gender ratio (female: male) is 7:6. Ms. Diane Lewis is African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Community Action Program) Countywide (HH)

2. Staff recommends motion to approve: Amendment No. 1 to Agreement for Provision of Financial Assistance (R2022-1089) with Habilitation Center for the Handicapped, Inc. (HCH), for the period October 1, 2022 through September 30, 2025, to amend, revise and replace portions of the agreement, with no change to the overall total contract amount of \$805,899, for the provision of life-skills training, supported employment and adult program services to low-income residents in Palm Beach County. **SUMMARY:** This amendment is necessary to update and replace Exhibit B with Exhibit B1 to reflect actual cost reimbursement up to the contractual amount in accordance with the approved programmatic budgets. The amendment allows HCH to continue providing training and supported services to low-income residents in Palm Beach County. The amendment does not affect the number of clients served and is consistent with the number of clients served in previous fiscal years. Under the current agreement, HCH will serve approximately 21 clients with training and other supportive services and 94 special needs/disability clients with adult program services. (Financially Assisted Agencies). Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd)

3. Staff recommends motion to ratify: the signature of the Mayor on the U.S. Department of Housing and Urban Development (HUD) FY 2022 Community Project Funding/Congressional Directed Spending Application, with a period end date of January 30, 2024, in the amount of \$1,000,000, as granted by Congresswoman Lois Frankel, for medical respite services for homeless residents who are in need of further medical care. **SUMMARY:** The Consolidated Appropriations Act, 2022, (P.L. 117-103) made available grants for purposes of Community Project Funding/Congressionally Directed Spending (CPF/CDS). The award is administered by HUD. Palm Beach County was notified that \$1,000,000 in CPF/CDS funding was made available for medical respite care. The Division of Human Services serves as the lead entity for the Palm Beach County Homeless Continuum of Care, and as such applied for a \$1,000,000 allocation through Congresswoman Frankel's office. The funding will be used for the remodeling/refitting of the health clinic located at 1000 45th Street, West Palm Beach. The health clinic will provide much needed respite care for the homeless who are unable to return to the streets, or in need of further medical care. Medical respite care is acute and post-acute medical care for people experiencing homelessness or HIV/AIDS, who are too ill, or frail to recover from a physical illness, or injury on the streets, but not ill enough to be in a hospital. The program closes the gap between hospitals and homeless shelters/housing facilities that do not have the capacity to provide medical support services to the frail or recovering. The Community Services Department has identified \$451,828 for project completion. The operating budget is to be determined. (Division of Human Services) Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd)

4. Staff recommends motion to:

A) receive and file the 2021 U.S. Department of Housing and Urban Development (HUD) Homeless Management Information System (HMIS) Implementation Grant Agreement No. FL0823L4D052102, for the period November 1, 2022 through October 31, 2023, in the amount of \$281,530, to increase HMIS capacity, enhance training, improve data quality monitoring, and analyze data to improve the Continuum of Care system service delivery; and

B) approve a budget amendment in the amount of \$281,530 in FY 2023 in the HUD fund to recognize the HMIS award.

SUMMARY: The HMIS Implementation Grant Agreement No. FL0823L4D052102 (Catalog of Federal Domestic Assistance (CFDA) #14.267) increases the capacity to integrate data and coordinate management systems in order to improve the delivery of housing services for individuals and families who are experiencing homelessness. On December 21, 2021, the Board of County Commissioners authorized the County Administrator or designee to execute documents for this purpose. 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. **A 25% cash match of \$70,383 is required** and is included in existing budgeted staff salaries. (Division of Human Services) Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd)

5. Staff recommends motion to approve:

A) Amendment 001 for the Emergency Home Energy Assistance for the Elderly Program American Rescue Plan (EHEAP ARP) Intake Center Referral Agreement No. IPP021-9500 (R2022-0584) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period April 1, 2022 and extend through March 31, 2023, to amend, revise, and replace portions of the agreement and to increase the overall total funding by \$29,079 in an amount not-to-exceed \$37,746, to prevent, prepare, and respond to the COVID-19 pandemic by providing supportive services to vulnerable seniors;

B) Amendment 002 for the Emergency Home Energy Assistance Program (EHEAP) Intake Center Referral Agreement No. IP021-9500 (R2021-0785) with AAA, to amend, revise, and replace portions of the agreement and to increase the overall total funding by \$5,666.40 in an amount not-to-exceed \$55,547.20, and extend the funding end date through March 31, 2023, to promote the development of a coordinated service delivery system to meet the energy needs of seniors;

C) Amendment 001 to Standard Agreement No. IR022-9500 (R2022-0802) for Respite for Elders Living in Everyday Families (RELIEF) with AAA, for the period July 1, 2022 through June 30, 2023, to amend, revise and replace portions of the standard agreement, to provide stipend volunteers in-home respite for caregivers, with no change to the total grant amount of \$45,656.25; and

D) Amendment 002 to Standard Agreement No. IC022-9500 (R2022-0799) for the Community Care for the Elderly (CCE) with AAA, for the period July 1, 2022 through June 30, 2023, to amend, revise, and replace portions of the standard agreement, to assist seniors and caregivers by providing in-home services to help seniors live independently, with no change to the total agreement amount of \$3,078,970.

SUMMARY: EHEAP ARP and EHEAP Intake Center Referral programs prevent, prepare and respond to the pandemic and provide supportive services for seniors/family caregivers. EHEAP ARP and EHEAP agreements (Catalog of Federal Domestic Assistance (CFDA #93.568) provide seniors financial assistance with their electric bills. Seniors can access the program by going to the intake center near their place of residency. RELIEF (Catalog of State Financial Assistance (CSFA #65.006) provides outreach, assessment and training of stipend volunteers to homebound seniors for in-home respite to families/caregivers. Stipends are paid directly to the volunteers through AAA. CCE (CSFA #65.010) assists seniors and caregivers with in-home services that help seniors live independently.

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd)

5. **SUMMARY: (cont'd.)** The number of seniors served is based on the amount of the grant and the need of the clients. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding Districts 2, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. Sufficient funding is included in the current budget to meet County obligations. **No additional County match is required.** (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Road (HH)

6. Staff recommends motion to:
 - A) adopt** a resolution repealing Resolution No. R2014-0402, which established the Farmworker Program Advisory Board, thereby sunseting the advisory board;

 - B) approve** a downward budget amendment in the amount of \$133,985 in the Farmworker Career Development Program (FCDP) Fund;

 - C) approve** the elimination of two vacant Employment Counselor positions (Pay Grade 23); and

 - D) approve** a budget transfer in the amount of \$3,985 from the FCDP Fund to the General Fund Contingency Reserves.

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd)

SUMMARY: The Florida Department of Education required the formation of an advisory board comprised of students, farmworker representatives, representatives from business and education, and community agencies. The Farmworker Program Advisory Board was formed in 2014 to advise, assist, support and advocate on matters that strengthened employment opportunities for clients served by the FCDP. The Community Services Department was notified on October 17, 2022 that it was not awarded the FCDP grant for Program Year (PY) 2021-2022; as such, the board is no longer needed. The Community Services Department will continue to provide migrant and seasonal farmworkers vocational training and employment services through the Family Self-Sufficiency Program funded through the Community Services Block Grant. To ensure that the farmworker population is represented, the Community Services Department will have a Farmworker Coordinator stationed in the Glades to address the needs of clients and assist in integrating the FCDP into the Community Action Program. The Community Action Program has the Community Action Advisory Board with members that currently represent the Glades and will continue to advise, assist and support the migrant/seasonal farmworkers. The FSSP provides vocational training, educational and support services to all applicants who meet income eligibility guidelines including migrant/seasonal farmworkers and their dependents, to obtain economic self-sufficiency through permanent and stable employment. (Farmworker Career Development Program) Countywide (HH)

F. AIRPORTS

1. **Staff recommends motion to receive and file:** four Consent to Sublease (Consent) documents, consenting to the sublease of space by Signature Flight Support LLC, (Signature) at the Palm Beach International Airport (PBI), with the following subtenants:

A) Abaco Three LLC, effective as of July 1, 2022.

B) AS Aviation Holdings LLC, effective as of May 1, 2022.

C) Cherokee Air, Ltd., effective as of December 1, 2022.

D) John Webb, effective as of June 1, 2022.

SUMMARY: Signature provides fixed based operator services for general aviation aircraft at PBI pursuant to a lease agreement dated September 30, 2004 (R2004-1990, 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 of County Commissioners in R94-1453. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

2. **Staff recommends motion to receive and file:** Registration for Distribution of Literature or Picketing (Registration) at the Palm Beach International Airport (PBI) issued to Francesco Giannola, authorizing distribution of literature at PBI pertaining to the International Association of Machinists and Aerospace Workers (IAM), effective January 12, 2023 and expiring December 1, 2023, at no cost. **SUMMARY:** The Registration authorizes IAM representatives to distribute literature at PBI, in locations designated by the Department of Airports, in accordance with the Airport Rules and Regulations (R98-220 as amended). A sample of the literature to be distributed is attached to the Registration. Delegation of authority for the execution of the standard form Registration was approved by the Board of County Commissioners on October 3, 1995 (R95-1410). Countywide (AH)
3. **Staff recommends motion to approve:** Change Order No. 1 to the contract with All Florida Contracting Services, LLC (AFCS) to extend the time by 277 calendar days to the Fuel Farm Emergency Generator Project at Palm Beach County Glades (PHK) Airport. **SUMMARY:** The original contract with AFCS for the Fuel Farm Emergency Generator Project at PHK in the amount of \$395,500 and 185 calendar days was approved by the Board on September 13, 2022 (R2022-1030). Due to component shortages and continuing supply chain issues associated with the global pandemic, the generator manufacturer notified AFCS of the long lead-times associated with the new generator. The estimated onsite delivery of the new generator is November 30, 2023; this exceeds the original contract time. Approval of Change Order No. 1 will extend the procurement phase by 277 calendar days. There is no change in cost associated with this change order. A Disadvantaged Business Enterprise (DBE) goal of 8.22% was established for this project. AFCS has committed to a minimum of 8.23% DBE participation. Countywide (AH)
4. **Staff recommends motion to receive and file:** an amendment for extension of the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for the Emergency Generator for Fuel System at Palm Beach County Glades Airport (PHK); Financial Project Number 445445-1-94-01 approved by the Board on April 16, 2019 (R2019-0498 and R2019-0499), until December 31, 2023. Delegation of authority for execution of the amendments for extension of the PTGAs was approved by the Board on August 25, 2020(R2020-1017). **SUMMARY:** At the present time, there is not a stand-alone emergency generator capable of allowing continued fuel activities at PHK in case of a power outage. This project will enable fueling during commercial power interruptions, including during hurricanes and other events. Approval of the amendment for extension of the PTGA extends the availability of grant funding to allow for completion of the project. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

5. **Staff recommends motion to receive and file:** a first amendment to Signatory Airline Agreement with Delta Air Lines, Inc. (Delta) at the Palm Beach International Airport (PBI) (R2020-0225) (Agreement), replacing the terminal area leasehold space exhibit to reflect a net reduction of 52.89 square feet of space from Delta's leasehold, with no reduction of annual rental, effective February 6, 2023. **SUMMARY:** Delta requested to discontinue use of one ticket counter position in the main terminal and add kiosk positions in the alcove across from their ticket counters to facilitate passenger check-in. Resolution 2019-1155 authorizes the County Administrator or designee, the Director of the Department of Airports, to agree to modifications to an airline's leasehold premises. Countywide (AH)

6. **Staff recommends motion to receive and file:** Palm Beach International Airport (PBI) Operating Permit with Global Crossing Airlines, Inc. (Global), a foreign corporation, for one flight operation on October 23, 2022, for payment of \$1,909.32. **SUMMARY:** The Operating Permit enabled Global to use certain airport facilities on a short-term basis for a specific flight operation. Resolution 2014-1709 authorizes the County Administrator or designee, the Director of the Department of Airports, to execute the standard County PBI Operating Permit. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

7. Staff recommends motion to approve: Change Order No. 3 to Amendment No. 7 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) to extend the project time by 243 calendar days for Work Order SMC 09: Fire Pump Replacement at Palm Beach International Airport (PBI). **SUMMARY:** Amendment No. 7 was approved by the Board of County Commissioners on August 17, 2021 in the amount of \$605,906 and 244 calendar days (R2021-1161). Change Orders 1-2 in the amount of \$0 and 235 calendar days were approved in accordance with the authority designated in PPM CW-F-050, which also requires that this change order be submitted to the Board of County Commissioners for approval. There is no change in cost included in this change order. The project includes replacement of the two fire pumps that support the fire protection of the terminal facility, which are nearing the end of their service life. During the process of draining and cleaning the existing diesel fuel tank for Building 1475 in preparation for delivery of fresh diesel fuel for start-up of the new fire pump, the tank was found to be degraded requiring replacement. The process of permitting the new fuel tank requires extending the date of substantial completion until 2/17/23. In addition, the electrical panel supporting Building 1475 was damaged by an arc flash of unknown origin. Due to material shortages, the anticipated ship date for a replacement panel is currently 7/11/23. Approval of this change order will extend the Substantial Completion to 2/17/23 and extend the Final Completion by 243 calendar days to complete the replacement of the panel. Costs associated with this change order are being determined and will be shared between the remaining contingency and a future change order to be approved pursuant to the authority of PPM CW-F-050. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd)

8. Staff recommends motion to approve: Agreement for Reimbursement (Agreement) with Galaxy Aviation of Lantana, Inc. d/b/a Stellar Aviation of South Palm Beach (Stellar), providing reimbursement, in the form of rental credit, to Stellar in the amount of \$18,511.65 for emergency repairs to a sewer line at the Palm Beach County Park Airport (Lantana Airport). **SUMMARY:** Stellar provides fixed based operator services at the Lantana Airport pursuant to an Amended and Restated Fixed Base Operator Lease Agreement (Lease) (R2016-0759, as amended). In August 2022, Stellar completed emergency repairs to a sewer line costing \$18,511.65. At the time of the repair, Department of Airports (DOA) and Stellar believed the work fell under Stellar's responsibility under the Lease. After the work commenced, DOA and Stellar discovered the damage was caused by work previously undertaken by the County. As a result, Stellar has requested reimbursement of its costs to perform the repairs. DOA has reviewed the scope of work, which included the excavation of pavement, restoration of the sewer line and patching of the pavement, and associated charges and finds the scope and costs to be reasonable; therefore, DOA recommends reimbursement of Stellar's costs for the repair in the form of rental credit. The Lease currently provides Stellar with rental credit for the completion of certain repairs and maintenance up to \$2 million over the term of the Lease; however, the sewer line repair is not specifically listed as an expense eligible for reimbursement. This Agreement provides that the cost of the sewer line repair will be counted against the current rental credit provided for under the Lease. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) a budget transfer of \$2,120,521 in Water Utilities Department (WUD) Fund to reconcile Hurricane Matthew outstanding receivables and reimburse County departments monies owed due to Hurricane Wilma de-obligation;

B) a budget amendment of \$1,548,684 within the General Fund 0001 for Hurricane Matthew;

C) a budget amendment of \$541,833 within Fire Rescue Fund for Hurricane Matthew; and

D) a budget amendment of \$30,004 within Airport Fund for Hurricane Matthew.

SUMMARY: The County received assistance from the Federal Emergency Management Agency and the state in excess of \$120 million relating to Hurricane Frances, Jeanne, Wilma and Tropical Storm Fay. As part of these agencies audits several projects were de-obligated for these storms and payments for those de-obligations were taken from future storms where funding was owed to the County. The amendments will reconcile Hurricane Matthew by transferring funds from WUD and reimburse departments for monies owed due to the de-obligation of WUD Hurricane Wilma projects. Countywide (DB)

2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$11,000 for the full satisfaction of two code enforcement liens that were entered against Sultan Ahmed and Begum Ahmed on April 1 and May 27, 2020. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered two separate orders on February 16, 2018 and October 2, 2019 for the property owned by Sultan Ahmed and Begum Ahmed giving them until May 8, 2018 and January 30, 2020 to bring their property located at 10100 Windtree Lane South, Boca Raton, FL into full code compliance. The property was cited for construction work without permits. Compliance with the CESM's Order was not achieved, and a fine of \$50 per day for each case was imposed. The CESM then entered a claim of lien against Sultan Ahmed and Begum Ahmed for the first violation on March 27, 2020 and the second violation on April 1, 2020. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on November 16, 2021 and issued a second affidavit of compliance on October 19, 2022. The total fine on January 26, 2023 is \$110,499, the date on which settlement discussions began. Mrs. Ahmed has agreed to pay Palm Beach County \$11,000 (10%) for full settlement of the outstanding code enforcement liens. District 5 (SF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (cont'd)

3. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$40,000 for the full satisfaction of a code enforcement lien entered against Pedro E. Diaz on April 1, 2020. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an order on April 9, 2019 for the property owned by Pedro E. Diaz giving him until September 30, 2019 to bring his property located at 2320 Sunrise Drive, West Palm Beach, Florida into full code compliance. The property was cited for construction work without permits. Compliance with the CESM's Order was not achieved, and a fine of \$100 per day was imposed. The CESM then entered an order imposing a code lien against Pedro E. Diaz on April 1, 2020. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on February 6, 2023. The total fine on February 7, 2023 is \$114,300, the date on which settlement discussions began. Ryan Diaz, heir of Pedro Diaz, has agreed to pay Palm Beach County \$40,000 (35%) for full settlement of his outstanding code enforcement lien. District 3 (RS)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file:

A) Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade located at 9620 Weisman Way from January 11, 2023 through January 31, 2023 with the South Florida Fair and Palm Beach Expositions, Inc., for parking by the public and the Palm Beach County Sheriff's Office during the 2023 South Florida Fair; and

B) Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade located at 9620 Weisman Way from April 13, 2023 through April 15, 2023 with the South Florida Fair and Palm Beach Expositions, Inc., for parking by the public and the Palm Beach County Sheriff's Office during the 2023 Barrett-Jackson event.

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 License 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 Agreement was 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. (Property and Real Estate management) Countywide/District 6 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

2. Staff recommends motion to:

A) approve a standard form Disclaimer of Interest In Property; and

B) authorize the County Administrator or designee, which in this case shall be the Director of Facilities Development and Operations to sign and administer the Disclaimer of Interest in Property.

SUMMARY: Early in the 1900's, strips of right of way were created by The Palm Beach Farms Co. Plat No. 3 (Plat), as recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County (County), Florida. Various court cases have held that the County has (with certain limited exceptions) no interest in the platted rights of way within the Plat, which were not accepted, improved or purchased by the County, and that the adjacent tract owners own to the centerline of the platted roadways. In July 2002, as part of a settlement of the litigation surrounding the Plat rights of way, the County received Quit Claim Deeds from West Peninsular Title Company and Absolute, Inc., (West Peninsular/Absolute) as recorded in Official Records Book 13889, Page 490 and Official Records Book 13889, Page 459 of said Public Records, the intent of which was to release any claim of interest of West Peninsular/Absolute within Palm Beach County. While the County's position has always been that West Peninsular/Absolute had no interest in the rights of way, the recordation of the West Peninsular/Absolute Quit Claim Deeds to the County created some ambiguity as to the County's interest and kept the Palm Beach County Property Appraiser from adjusting its records to reflect ownership of the right of way by the adjacent owners. The Disclaimer of Interest In Property form (Disclaimer) will establish the standard format to be used to disclaim, release and quit claim to an Owner the County's interest in the West Peninsular/Absolute Quit Claim deeds. Once a disclaimer request is received by the County from a property owner, the Facilities Development & Operations Department will coordinate with the Engineering and Public Works Department, the Water Utilities Department and the County Attorney's Office to review the request. In the event any existing County improvements (water/sewer/reclaim/drainage lines and structures, etc.) are located within the right of way that is being disclaimed, staff will request that the property owner grant the County an easement to address any existing County improvements. (Property & Real Estate Management) Districts 2, 3, 5 & 6/Countywide (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

3. Staff recommends motion to approve: Change Order No. 1 to Amendment No. 4 to the continuing Construction Manager (CM) at Risk Services contract with Robling Architecture Construction, Inc. (R2020-1690) for the Water Utilities Department (WUD) Central Regional Operations Center (CROC) Variable Air Volume (VAV) Box and Air Handling Unit (AHU) Replacement project increasing the project duration by 300 calendar days. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved Amendment No. 4 (R2021-1606) to the continuing CM at Risk Services contract with Robling Architecture Construction, Inc., establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,629,616 for construction of the WUD CROC VAV Box and AHU Replacement project. Change Order No. 1 to Amendment No. 4 authorizes an increase in the project duration by 300 calendar days to accommodate the contractor's procurement of the long lead-time materials and delays resulting from unprecedented supply chain shortages/issues. The continuing CM at Risk Services contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of a Small Business Enterprise (SBE) evaluation preference of 10 points for the selection of the construction manager and a mandatory 20% SBE subcontracting goal on the contract. SBE participation for this Change Order is 0%. To date, the overall SBE participation for the contract is 41.34%. Robling Architecture Construction, Inc. is a local business. Funding for this project is from the Water Utilities Department Operation & Maintenance Fund. (Capital Improvements Division) District 3 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

4. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) #19 to the Palm Beach County (PBC) Fire Rescue (FR) –Development and Implementation of a Comprehensive Fire Station Capital Improvements Program (CIP) contract (R2020-1045) with Currie Sowards Aguila Architects, Inc. (Consultant) in the amount of \$443,540 for the Fire Rescue Station No.25 Renovations project. **SUMMARY:** On August 25, 2020, the Board of County Commissioners (Board) approved the PBC FR – Development and Implementation of a Comprehensive Fire Station CIP contract with the Consultant (R2020-1045) to provide architectural and engineering design services. Under CSA #19, the Consultant will provide the professional services (i.e. design, bidding, permitting assistance and construction administration services) necessary for the Fire Rescue Station No.25 Renovations project. Renovations include, but are not limited to, an approximately 7,300 square foot addition to the existing Fire Rescue Station No.25 facility and upgrades to existing areas of the building. Included in the scope of work, the existing living area will be completely demolished and rebuilt and the existing apparatus bay area will remain and be upgraded. The new facility will be a total of approximately 11,000 square feet. The PBC FR–Development and Implementation of a Comprehensive Fire Station CIP contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives of a minimum mandatory 25% Small Business Enterprise (SBE) subcontracting goal and 15 points evaluation preference for SBE participation. The Consultant committed to achieving an SBE goal of 52%. The SBE participation on this CSA is 73.16%. Cumulative SBE participation on the contract is 73.88%. The Consultant is a local SBE firm. Funding for this project is from the Fire Rescue Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

5. **Staff recommends motion to approve:** An Interlocal Agreement (Agreement) with the United States Department of Justice, Federal Bureau of Investigation (FBI), allowing for interoperable communications through the countywide common talk groups of the County’s Public Safety Radio System (County’s System) for a period of five years commencing retroactively from March 13, 2023 through March 12, 2028. **SUMMARY:** This Agreement provides the terms and conditions under which the FBI can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County’s System will not be utilized for routine operational communications by the FBI. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The FBI is required to pay all costs associated with the FBI’s subscriber units and to comply with the established operating procedures for the County’s System. This Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

6. Staff recommends motion to approve: a Construction Manager (CM) at Risk Services contract with The Weitz Company, LLC for the Main County Courthouse (MCCH) Buildout and Renovations project located at 205 N. Dixie Highway, West Palm Beach, Florida 33401. **SUMMARY:** The MCCH Buildout and Renovations project consists of interior improvements primarily to the 1st, 7th and 8th floors of the MCCH building. Construction services for the MCCH Buildout and Renovations project include, but are not limited to, the reconfiguration of the 1st floor Law Library to approximately half of its current size and renovation of the remaining interior area for alternate use(s)/user(s); construction of the existing unimproved interior area of the 7th floor to provide a shared Judicial Conference Center, a Judicial Conference Room, a single Magistrate Hearing Room with adjacent judicial suite and additional Court Administration space; construction of the unimproved interior area on the 8th floor to provide six courtrooms, including adjacent judicial suites; renovations of reassigned spaces throughout, as necessary, to support new programmatic requirements; and structural repairs, if required, in the shell spaces which are to be renovated on the 1st, 7th, and 8th floors. Additional judicial suites will also be added in the balance of available areas located on the 8th floor. A task order will be issued separately to authorize pre-construction services on this project. Once the construction documents are completed, the CM will publicly bid the construction subcontracts to establish a Guaranteed Maximum Price (GMP). The construction of the facility will be authorized through a GMP amendment to the contract, which will be presented to the appropriate approval authority. The estimated construction cost is \$30,000,000. The solicitation for selection of the CM was advertised on August 7, 2022 according to the Equal Business Opportunity (EBO) Ordinance, with final selection taking place on November 14, 2022. On July 20, 2022, the Goal Setting Committee established Affirmative Procurement Initiatives of a Small Business Enterprise (SBE) evaluation preference of up to 10 points for SBE participation plan and five points for CM/SBE partnering. The Weitz Company, LLC is not a certified Small/Minority/Women-Owned (S/M/WBE) Business Enterprise. The Weitz Company, LLC partnered with All-Site Construction Inc., an S/MBE firm for services in an amount not less than 15% of its preconstruction and construction phase fees. The CM is on notice that all GMP Amendments for construction services issued pursuant to this contract will be subject to the requirements of the Equal Business Ordinance, including requesting that an Affirmative Procurement Initiative be set prior to bidding the subcontracts. The Weitz Company, LLC is a local business. Funding for this project is from the **Infrastructure Sales Tax Fund**. (Capital Improvements Division) District 7 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

7. Staff recommends a motion to approve: a lease agreement with the City of Delray Beach for three parcels of County-owned property, totaling approximately 3.03 acres, located on S. Ocean Boulevard in Delray Beach for use as a public park for an initial term of 20 years at an annual rate of \$10. **SUMMARY:** The City of Delray Beach (City) owns approximately 3.69 acres of beachfront property located at 1605 S. Ocean Boulevard, which is known as Atlantic Dunes Park (Park). Palm Beach County purchased two parcels of land located across from the Park totaling approximately 1.82 acres in 1972 and another 1.21-acre adjacent parcel in 1976 for public park purposes. The City has been maintaining and operating the Park since 1977, including the County-owned parcels. However, neither the County nor the City have been able to locate an agreement memorializing the terms and conditions. In order to formalize the agreement, the proposed Lease Agreement (Lease) is being presented to the Board of County Commissioners for consideration. The Lease provides for an initial term of 20 years with 2 additional 20 year renewal terms. The annual rent for this Lease Agreement is ten dollars (\$10). The City will continue to provide all management and maintenance necessary to operate Atlantic Dunes Park. Parks & Recreation will continue to have administrative responsibility for this Lease. (Property & Real Estate Management) District 4 (HJF)

8. Staff recommends motion to approve: Work Order No. 23-004 to the annual Roofing contract (R2020-1696) with Hi-Tech Roofing & Sheetmetal, Inc. (Contractor) in the amount of \$211,840 for the Water Treatment Plant No.9 - South Pump Station F - Roof Replacement project for a period of 150 calendar days from notice to proceed. **SUMMARY:** The existing roof at the Water Treatment Plant No.9 - South Pump Station F is approximately 33 years old and is at the end of its service life. The new roofing system will provide for years of weather tight protection. 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 150 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$180 per day. This Work Order was solicited pursuant to the annual Roofing contract and the requirements of the Equal Business Opportunity Ordinance. The Roofing annual contract was presented to the Goal Setting Committee on July 15, 2020 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 or 10% Small Business Enterprises (SBE) price preference for projects \$100,000 or greater. Since this project was over \$100,000, the SBE price preference API was applied. There is no SBE participation on this Work Order. Cumulative SBE participation on the annual Roofing contract is 32.59%. The Contractor is a local business. Funding for this project is from the Water Utilities Department (WUD) Operation & Maintenance Fund. (Capital Improvements Division) District 5 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

9. Staff recommends motion to approve: Supplement #1 to the Consultant Services Authorization (CSA) #10 to the continuing Architectural/ Engineering Consulting Services contract (R2019-1900) with Song & Associates, Inc. (Consultant) in the amount of \$112,568 for the Vista Center Permit Area Remodeling project. **SUMMARY:** On December 17, 2019, the Board of County Commissioners (Board) approved the continuing Architectural/Engineering Consulting Services contract with the Consultant (R2019-1900) to provide architectural services for various projects on a task assignment basis. Under CSA #10, the Consultant provided a schematic design necessary for the renovation of the existing first floor permit area customer service and support offices spaces. Under Supplement #1, the Consultant will provide the professional services (i.e. full design, civil engineering, mechanical, electrical and plumbing services, bidding services and construction administration) necessary for the Vista Center Permit Area Remodeling project. Remodeling includes, but is not limited to, reconfiguring the existing space to accommodate the increased staffing and public service needs within the permit center, inspections area, records area and cashier area. The continuing Architectural/Engineering Consulting Services contract was presented to the Goal Setting Committee on August 7, 2019 and the Committee established Affirmative Procurement Initiatives of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an SBE evaluation preference for SBE participation. The Consultant committed to achieving an SBE goal of 100%. The Consultant was an S/M/WBE firm at the time of selection and has since graduated from the SBE program. The SBE participation on this Supplement is 28.03%. Cumulative SBE participation on the continuing Architectural/Engineering Consulting Services contract is 37.39%. The Consultant is a local firm. Funding for this project is from the Building Capital Projects Fund. (Capital Improvements Division) District 7 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

10. **Staff recommends motion to:**

A) receive and file Amendment No. 11 to the continuing contract for Construction Manager (CM) at Risk Services with Lebolo Construction Management, Inc. (R2018-1161) establishing a Guaranteed Maximum Price (GMP) in the amount of \$417,570 for construction management services for a new playground for the from the notice to proceed;

B) approve a budget transfer in the amount of \$112,570 in the Housing and Economic Sustainability Fund to set up a transfer and allocate funds for the Melissa's Place Lake Village at the Glades project to be funded from the Federal Community Development Block Grant (CDBG) Funds; and

C) approve a budget amendment in the amount of \$112,570 in the Public Building Improvement Fund to recognize the transfer from the Housing and Economic Sustainability Fund and to appropriate funds for the Melissa's Place Lake Village at the Glades project.

SUMMARY: On August 14, 2018, the Board of County Commissioners (Board) approved the continuing contract with Lebolo Construction Management, Inc. to provide construction management services. On January 10, 2023, the BCC authorized the county administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO), to execute Amendment No. 11 to procure the long lead-time new playground equipment in an amount not to exceed \$417,570. Amendment No. 11 authorized Lebolo Construction Management, Inc. to establish a GMP in the amount of \$417,570 to coordinate, procure and install the new playground. Amendment No. 11 was fully executed on behalf of the Board by the Director of FDO. In accordance with the County Policy and Procedures Memorandum (PPM) CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. Small Business Enterprise participation does not apply to federally funded contracts. Under the federal requirements, a minority participation goal of 22.4% and female participation goal of 6.9% has been established. The CM anticipates an Equal Employment Opportunity utilization of 14.3% for Amendment No. 11.

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

10. **SUMMARY: (cont'd)** On December 7, 2021, the Board approved a budget transfer and amendment in the amount of \$305,000 from the Housing and Economic Sustainability Fund to the Public Building Improvement Fund to reimburse FDO for eligible project costs for the Melissa's Place Lake Village at the Glades project. On December 12, 2022 the Department of Housing and Economic Development (DHED) and FDO entered into Amendment 2 to the Memorandum of Understanding for the Melissa's Place Lake Village at the Glades project to make available additional CDBG funding in the amount of \$112,570. Total CDBG funds made available for the Melissa's Place Lake Village at the Glades project is in the amount of \$417,570. This budget transfer and amendment will set up and recognize the transfer of additional funding in the amount of \$112,570 from the Housing and Economic Sustainability Fund to the Public Building Improvement Fund to reimburse FDO for eligible project costs for the Melissa's Place Lake Village at the Glades project. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

11. Staff recommends motion to approve: Work Order No. 23-005 to the annual Minor Construction Services contract (R2020-0143) with Andrea Construction, Inc. (Contractor) in the amount of \$245,760 for the Morikami Park - BIWA Pavilion Rehabilitation project for a period of 120 calendar days from notice to proceed. **SUMMARY:** The project consists of the rehabilitation and repair of the existing Morikami Park - BIWA Pavilion. Rehabilitation and repairs include, but are not limited to, roof repairs, structural improvements, painting, wood repairs and general maintenance items. Work Order 23-005 authorizes the construction services necessary to furnish all material, labor, supervision, permits and supplies necessary for the Morikami Park - BIWA Pavilion Rehabilitation project. This project was competitively advertised and new contractors were invited to bid by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 120 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This Work Order was solicited pursuant to the annual Minor Construction Services contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual Minor Construction Services contract was presented to the Goal Setting Committee on August 21, 2019. The Committee applied the following three Affirmative Procurement Initiatives (APIs): 1) sheltered market for projects under \$100,000; or 2) a small business enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid on a single trade project \$100,000 or greater; or 3) a mandatory 25% SBE subcontracting goal for a multi-trade project \$100,000 or greater. Since this is a multi-trade project over \$100,000, the mandatory 25% SBE subcontracting goal API was applied. SBE participation for this Work Order is 59.60%. Cumulative SBE participation on the annual Minor Construction Services contract is 69.15%. The Contractor is a certified SBE company and a Palm Beach County business. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 5 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

12. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 6 to the Consulting Services/Design Professional Services contract (R2018-1004) with Harvard Jolly, Inc. (Consultant) in the amount of \$913,536 for the Lake Lytal Aquatic Complex project. **SUMMARY:** On July 10, 2018, the Board of County Commissioners (Board) approved the Consulting Services/Design Professional Services contract (R2018-1004) with the Consultant to provide architectural/engineering design, permitting and construction administration services for the Lake Lytal Aquatic Complex project. Under CSA No. 6, the Consultant will provide the professional services (architectural and engineering design services, coordination and construction administration services) necessary for the Lake Lytal Aquatic Complex project. CSA No. 6 authorizes site improvements, coordination and the design of the ticketing/entry building, concessions building, support services building and equipment building; design of a 70-meter competition pool and dive pool area; design of related deck areas for the team and spectators use; and the design of the back of house service drive and staff parking area on the west side of the site for the Lake Lytal Aquatic Complex project. The Consulting Services/Design Professional Services contract for the Lake Lytal Aquatic Complex project was awarded under the prior Small Business Enterprise (SBE) program. The Consultant committed to achieving an SBE goal of 30%. At the time of proposal submittal, one of the subconsultants, Johnson, Levinson, Ragan, Davila, Inc. was an SBE firm. However, they have since graduated from the program. The SBE participation on this CSA is 7.01%. Cumulative SBE participation on the contract is 22.41%. The Consultant has an office located in Palm Beach County. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 3 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

13. Staff recommends motion to approve:

A) an amendment to the Infrastructure Sales Tax (IST) Project Plan approved by the Board of County Commissioners (Board) on April 4, 2017, as revised on January 4, 2022, to establish the budget in FY 2023 and increase the budget for the 810 Datura Building Replacement (Palm Beach County (County) 45th Street Complex) project;

B) a budget transfer in the amount of \$2,600,000 in the IST Fund from the IST Reserves to increase the budget for the County's 45th Street Complex project; and

C) a contract with Alfonso Hernandez Architect, LLC (Consultant) in the amount of \$2,312,001.76 to provide professional architectural/engineering (A/E) design, master planning and site planning services, interior space planning, engineering, permitting and construction administration services for the County's 45th Street Complex project.

SUMMARY: On August 31, 2021, the Board of County Commissioners (Board) directed Staff to pursue the development of the Urban Campus initiative with University of Florida (UF) and authorized Staff to return at a later date with a revised schedule, including appropriation of the required funding, for design and construction of the Community Services Department (CSD) building to be relocated at the County's 45th Street Complex (southeast corner of 45th Street and Australian Avenue in the City of West Palm Beach). On February 8, 2022, the Board approved a conceptual Term Sheet with UF for the potential conveyance of approximately 5.03 acres of County-owned property in the City of West Palm Beach to UF for the purpose of the development of an Urban Campus, and also authorized County staff to initiate the due diligence and master planning process for the County's 45th Street Complex property required in preparation for the potential relocation of the CSD. On August 23, 2022, the Board approved the Development and Conveyance Agreement (DCA) with UF which will require relocation of CSD to a new facility in order to allow for construction of the Urban Campus. CSD's main building is currently located at 810 Datura Street, West Palm Beach. The replacement facility will be built at the County's 45th Street Complex. **Funding for the 810 Datura Building Replacement project is approved under the IST project plan starting in FY2025.** To ensure timely development of the building replacement project, funding must be made available in FY2023. On November 17, 2022, the IST Independent Citizen Oversight Committee reviewed Staff's request for an increase in the project's budget and an allocation of \$2.6M from IST Reserves and recommended the same be approved. The CSD facility located at 810 Datura Street is no longer able to meet the growing needs of the community and its staff.

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

13. **SUMMARY (cont'd.):** The new CSD facility will be approximately 60,000 square feet and will accommodate the current and future operational needs. This contract authorizes the professional services necessary for the new CSD facility to be located at the County's 45th Street Complex. Professional services include, but are not limited to, site planning services, site investigations and the preservation of potential historical unearthed artifacts, design, interior space planning, engineering, permitting and construction administration services for approximately 60,000 square feet of new office and support space, including all parking and site improvements, to serve the needs of the County's Community Services Department. In addition, professional services will include master planning and site plan approval services for all existing facilities and improvements on the property as well as approximately 350,000 square feet of future governmental office and support space in both, single and multi-story facilities, including all parking and site improvements required to support same. The project will include all related infrastructure and site work development required to support the new CSD facility without compromising the ability to retain all existing improvements in service and realize the future delivery of the approximately 350,000 square feet facility for government office and support space. Design services for the 350,000 square feet facility of government office and support space are not included in this contract. The services for the 350,000 square feet future government building included in this contract is limited to a space allocation on the master plan which will be prepared by the Consultant and submitted to the City of West Palm Beach's Planning and Zoning Division for review and approval in order to entitle the land accordingly as requested by the County. The solicitation for design professionals was advertised on May 22, 2022 according to the Equal Business Opportunity Ordinance, with the final selection on September 6, 2022. The project was presented to the Goal Setting Committee on May 18, 2022. The Committee established Affirmative Procurement Initiatives of a Minority Business Enterprise (MBE) participation evaluation preference for African American-owned firms and a minimum mandatory contract goal of 20% Small Business Enterprise (SBE) participation. The Consultant has committed to 82% SBE participation, of which 15% is MBE (African American) participation for this contract. SBE participation for the project is 60.65% of which 15.44% is MBE participation. The Consultant is a Certified SBE and local firm. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 7 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

14. Staff recommends motion to approve: Amendment No. 9 to the Construction Manager (CM) at Risk Services contract (R2016-0430) with Hedrick Brothers Construction Co., Inc. (Contractor) establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,837,720 for the Main Detention Center (MDC) Renewal/Replacement (R/R) East Tower Rain Water Leader/Sanitary Pipelining project for a period of 116 calendar days from notice to proceed. **SUMMARY:** On April 5, 2016, the Board of County Commissioners (Board) approved the CM at Risk Services contract with Hedrick Brothers (R2016-0430) for the Detention Facilities project. The Detention Facilities project includes renewal/replacement of major building systems at the County's detention facilities including the MDC, the Western Detention Center and the Central Detention Center. The project includes the R/R of the following major building systems at these detention facilities: mechanical including heating ventilation and air conditioning; fire protection; plumbing and boilers; electrical; low voltage including electronic security systems and fire alarm, security doors and hardware; roofing; weatherproofing and other similar improvements. Amendment No. 9 establishes a GMP in the amount of \$1,837,720 for the construction management services necessary for the MDC R/R East Tower Rain Water Leader/Sanitary Pipelining project. Investigations revealed that the East Tower vertical rainwater leader and sanitary sewer system piping have significant deterioration and are in need of pipelining. Pipelining involves replacing any severely damaged portions of the pipe, cleaning the inside of the pipe and lining the pipe with a resin coating. These pipes are original to the approximately 40-year-old building and are cracked, leaking or heavily corroded. Previous amendments to the contract did not include the replacement or pipelining of the existing storm and sanitary pipes. The Contractor will have 116 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$274 per day. On June 15, 2022, the Goal Setting Committee established an Affirmative Procurement Initiative of 3% Small Business Enterprise (SBE) participation for the project. The Contractor committed to 7.94% SBE participation on this amendment. The Cumulative SBE participation on the contract is 57.04%. The Contractor has an office located in Palm Beach County. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 3 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

15. Staff recommends motion to receive and file: Amendment No. 10 to the continuing contract for Construction Manager (CM) at Risk Services with Lebolo Construction Management, Inc. (R2018-1161) establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,167,389 for construction management services for the Glades Pioneer Park Playground Replacement project for a period of 300 calendar days from notice to proceed. **SUMMARY:** On August 14, 2018, the Board of County Commissioners (Board) approved the continuing contract with Lebolo Construction Management, Inc. to provide construction management services. On January 10, 2023, the Board authorized the County Administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO), to execute Amendment No. 10 to procure the long-lead time new playground equipment in an amount not to exceed \$1,167,389. Amendment No. 10 authorized Lebolo Construction Management, Inc. to establish a GMP in the amount \$1,167,389 to coordinate, procure and install the new playground, which will replace the existing outdated playground located at the Glades Pioneer Park, located adjacent to the Orange Bowl field. Amendment No. 10 was fully executed on behalf of the Board by the Director of FDO. In accordance with the County Policies and Procedures Memorandum (PPM) CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. Small Business Enterprise participation does not apply to federally funded contracts. Under the federal requirements, a minority participation goal of 22.4% and female participation goal of 6.9% has been established. The CM anticipates an Equal Employment Opportunity utilization of 74.76% for Amendment No. 10. Funding for this project is from the Park Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

16. Staff recommends motion to approve: Memorandum of Agreement (MOA) with the Bureau of Land Management (BLM), an agency of the United States Department of the Interior, for the use of BLM-owned property as a temporary satellite location for Fire Rescue's Station #18 during the closure of the US 1 Bridge (Bridge), retroactively from January 5, 2023 through October 22, 2025. **SUMMARY:** The US 1 Bridge Replacement Project (Project) is a Florida Department of Transportation initiative to replace the existing Bridge (from CRA1A to CR707) over the Intercoastal Waterway and the Loxahatchee River in the Town of Jupiter. Full Bridge closure is included as part of the Project and is expected to start on March 13, 2023, extending for approximately 20 months. Service and response times to areas north of the Bridge by Fire Station #18, located in Burt Reynolds Park, could potentially be affected due to the closure. BLM owns property north of the Bridge known as the Jupiter Inlet Lighthouse Outstanding Natural Area (Property), located at 500 Captain Armours Way in Jupiter, which Fire Rescue can use as a satellite location during the Project to mitigate the aforementioned impacts to service and response times. The facility, identified as Unit G, is being provided to the County at no cost in rent. This satellite location will be known as Fire Station #11. Due to the exigent circumstances created by the impending Bridge closure, the Director of Facilities Development and Operations proceeded to authorize the required work to renovate Unit G in order to ensure its readiness to serve as temporary Fire Station #11. The total renovation costs for the facility amounted to \$97,460. Staff is recommending that the MOA be approved retroactively as of the date of approval of the renovation work (i.e. January 5, 2023). (Property & Real Estate Management) District 1 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

17. Staff recommends motion to approve: an increase to the maximum cumulative value for the annual Heating, Ventilation and Air Conditioning (HVAC) contract in the amount of \$10,000,000 for HVAC services on an as-needed basis through January 6, 2025. **SUMMARY:** On January 7, 2020, the Board of County Commissioners (Board) approved annual HVAC contracts (R2020-0019 through R2020-0023) for HVAC services related to system and component installations, upgrades, replacements, modifications and repairs. To date, the County has awarded work orders in the amount of \$12,278,498.11. In order to accommodate additional anticipated new projects required to be accomplished before this contract expires on January 6, 2025, staff is requesting to increase the maximum cumulative value for the annual HVAC contract in the amount of \$10,000,000. This increase will bring the maximum cumulative value of the annual HVAC contract to \$23,000,000. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual HVAC contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service website while projects \$200,000 or greater are additionally advertised in the newspaper. Projects less than \$100,000 are bid among the pool of certified SBE contractors, when three or more small businesses are qualified under the contract. The bidding pool is further expanded to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten calendar days before the bid due date. Currently 19 contractors are prequalified. The annual HVAC contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives of sheltered market for projects less than \$100,000 (when three or more small businesses are qualified under the annual contract) or a Small Business Enterprise contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid. The cumulative S/M/WBE participation for the HVAC annual contract is 27.49%. (Capital Improvements) Countywide (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd)

18. Staff recommends motion to approve: Change Order No. 5 to Amendment No. 1 (R2021-1793) for the Construction Manager (CM) at Risk Services contract (R2019-1751) with Kast Construction Company LLC (Contractor) in the amount of \$1,604,232.88 for the Supervisor of Elections (SOE) Production Facility project. **SUMMARY:** On November 19, 2019, the Board of County Commissioners (Board) approved the contract with Kast Construction Company LLC for construction management services for the SOE Production Facility project. On December 7, 2021, the Board approved Amendment No. 1 (R2021-1793) for the construction of approximately 156,000 square feet of office and warehouse space which will house the SOE administrative office and production facility operations; a multi-story parking garage of approximately 146,000 square feet and additional surface parking for both public and staff use; including all the associated site infrastructure improvements required to support both buildings. Change Order No. 5 to Amendment No. 1 authorizes the construction management services necessary for permit update changes as well as owner requested modifications (to meet statutory requirements for election facilities) to certain structural, architectural, electrical and mechanical components of the SOE Production Facility project. The solicitation for a CM was advertised on July 21, 2019 according to the requirements of the Equal Business Opportunity (EBO) ordinance. On July 21, 2021, the Goal Setting Committee established an Affirmative Procurement Initiative (API) of 20% Small Business Enterprise (SBE) participation for the construction phase of the project, of which 8% must be African American or Hispanic American firms. SBE Participation for this Change Order is 28.80% SBE participation, of which 18.38% is African American or Hispanic American participation. The cumulative SBE participation for this contract is 22.89% SBE participation, of which 9.12% is African American or Hispanic American participation. The Contractor is a Palm Beach County Business. This project is funded by the 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg. Fund. **(Capital Improvements Division) District 7 (MWJ)**

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file: Amendment 001 to Agreement with the Coalition For Independent Living Options, Inc. (CILO), dated October 1, 2022 (R2022-1198), under Fiscal Year 2022-2023 for the Community Development Block Grant (CDBG) program. **SUMMARY:** The original Agreement provided \$22,399 in funding for the preparation of meals through the Disability Inclusion & Nutrition Education Program to disabled persons who are temporarily unable to purchase and prepare food, along with instructions in living skills to Program recipients. Amendment 001 revises the original Scope of Work re-allocating funding to include the employment of one Food Pantry Specialist. The Food Pantry Specialist, will primarily be responsible for overseeing the packaging of prepared meals and/or groceries within the Agency. These 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 3I-2, as approved by the BCC on October 18, 2022. County PPM CW-O-051 provides that 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)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

2. Staff recommends motion to receive and file: the following amendments for time extensions to two agreements under Fiscal Year 2021-2022 and Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program:

A) Amendment 001 to a CDBG Agreement (R2021-1533) with the City of Lake Worth Beach for \$274,506, to implement Phase I of the improvements at the Harold Grimes Memorial Park; and

B) Amendment 001 to a CDBG Agreement (R2022-1210) with the City of Lake Worth Beach for \$306,691, to implement Phase II of the improvements at the Harold Grimes Memorial Park.

SUMMARY: These 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 3I-8 (R2021-1533), as approved by the BCC on October 19, 2021 and Agenda Item 3I-4 (2022-1210), as approved by the BCC on October 18, 2022, respectively. Amendment 001 to R2021-1533 was requested by the City of Lake Worth Beach and extends the agreement performance completion dates and the 100% reimbursement request date from December 31, 2022 to July 15, 2023. The time extension is due to the City's need for additional time to complete the parking upgrades of the project scope. Amendment 001 to R2022-1210 was requested by the City of Lake Worth Beach and extends the agreement performance date to award construction contract from December 31, 2022 to March 31, 2023. The time extension is due to delays during the design phase that subsequently affected the City's competitive bidding timeline to select and award a construction contract. The extensions will still allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that 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.** District 2 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

3. Staff recommends motion to receive and file: the following amendments for time extensions to two agreements under Fiscal Year 2021-2022 and Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program:

A) Amendment 002 to a CDBG Agreement (R2021-1613) with the Village of Palm Springs for \$130,515, to continue the construction of an interconnected sidewalk system, within the Village; and

B) Amendment 001 to a CDBG Agreement (R2022-1290) with the Village of Palm Springs for \$120,818, to continue the construction of an interconnected sidewalk system, within the Village.

SUMMARY: These 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 3I-1 (R2021-1613), as approved by the BCC on November 2, 2021, Amendment 001 under Agenda Item 3I-1 (2022-0594), as approved by the BCC on June 14, 2022 and Agenda Item 3I-4 (2022-1290), as approved by the BCC on November 01, 2022, respectively. Amendment 002 to Agreement R2021-1613 with the Village of Palm Springs extends the agreement performance completion dates and the 100% reimbursement date from December 31, 2022 to July 15, 2023. The time extension is due to the need to relocate a utility pole within the project scope area, thereby extending the project duration, under Fiscal Year 2021-2022 Community Development Block Grant (CDBG) Program. Amendment 001 to Agreement R2022-1290 with the Village of Palm Springs extends the project performance dates to complete the construction of a pathway section from Foxtail Palm Park to Gulfstream Road within the Village. The additional time would allow the Village to advertise the project, receive competitive bids and award a construction contract. The award of a construction contract is extended from December 31, 2022 to March 31, 2023, for the continued construction of the interconnected sidewalks project under Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program. The extensions will still allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that 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.** District 3 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

4. [Staff recommends motion to receive and file:](#) Amendment 001 for a time extension to the Agreement with the City of Greenacres, dated October 1, 2022 (R2022-1209), under Fiscal Year 2022-2023 Community Development Block Grant (CDBG). **SUMMARY:** The original agreement provided \$198,947 in funding for Phase I of sanitary sewer improvements located between 10th Avenue north and Biscayne Boulevard within the City of Greenacres. Amendment 001 extends the original agreement performance requirement date to award construction contract, from December 31, 2022 to no later than April 30, 2023. The time extension is needed to complete the bidding process and allow the City of Greenacres an adequate timeframe to select and award a construction contract within the project budget. These 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 3I-4, as approved by the BCC on October 18, 2022. The extensions will still allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that 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.** District 3 (HJF)

5. [Staff recommends motion to receive and file:](#) Amendment 001 for time extension to the Agreement with the Town of Lake Park, dated October 1, 2022 (R2022-1211), under Fiscal Year 2022-2023 for the Community Development Block Grant (CDBG) program. **SUMMARY:** The original Agreement provided \$55,433 in funding to implement ADA compliant playground equipment at Ilex Park, located at the intersection of West Ilex Drive and 8th Street, in the Town of Lake Park. Amendment 001 extends the original Agreement performance requirement date to award construction contract, from December 31, 2022 to March 31, 2023. The time extension is needed to complete the bidding process and allow the Town adequate time to select and award a construction contract within the project budget. These documents have been executed on behalf of the Board of County Commissioners by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 3I-4, as approved by the BCC on October 18, 2022. The extensions will still allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that 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.** District 7 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

6. Staff recommends motion to receive and file: Amendment 001 for time extension to Agreement R2022-1289 with the City of Belle Glade under Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program. **SUMMARY:** These 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 3I-4 (R2021-1289), as approved by the BCC on November 1, 2022. The original agreement provided \$348,292 in funding to undertake improvements at the Airport Park, located at 1400 North Main Street in the City of Belle Glade. Amendment 001 to the agreement extends the performance requirements for the project and the 100% reimbursement request is extended from December 31, 2023 to April 30, 2024. The time extension is due to unforeseen delays during the design phase and long lead times to obtain materials for the Airport Park improvement project. The extensions will still allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that 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.** District 6 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

7. Staff recommends motion to:

A) approve a request for an amendment to certain terms of the County's Industrial Development Revenue Bond, Series 2011 (Jupiter Christian School Project) (the Series 2011 Bond) and an amendment to the loan agreement approved by County Resolution No. R2011-0691, as amended by Resolution R2017-0596, pursuant to which the Series 2011 Bond was issued to refinance certain outstanding debt and finance a project on behalf of Jupiter Christian School, Inc. (the Borrower); and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing amendments to the Series 2011 Bond previously issued in the principal amount of \$10,050,000 for the purpose of entering into a Consolidated Amendment to Bond Documents among the County, the Borrower and Truist Commercial Equity, Inc. in the form attached as Exhibit A to the Resolution, including an Allonge to the Series 2011 Bond, a form of which is attached as Exhibit A to the Consolidated Amendment to Bond Documents; confirming that such Series 2011 Bond shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable from the revenue therein provided; approving and authorizing the execution and delivery of the documents necessary to complete such amendments.

SUMMARY: The Series 2011 Bond was issued on May 9, 2011 to: (i) refinance certain outstanding debt of the Borrower; (ii) finance a portion of the costs of a project consisting of the acquisition, construction and improving of certain educational facilities of the Borrower, including, among other things, at the facilities located at 700 South Delaware Boulevard and 707 Commerce Way East, Jupiter, Florida; and (iii) pay a portion of the costs of issuance of the Series 2011 Bond. The proposed amendments will: (i) adjust the interest calculation from a London Interbank Offered Rate (LIBOR) based index to a term Secure Overnight Financing Rate (SOFR) based index for the Series 2011 Bond; (ii) approve an Allonge to the Series 2011 Bond; and (iii) make certain other corresponding amendments to the terms and conditions as set forth in the Consolidated Amendment to Bond Documents. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Series 2011 Bond.** District 1 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

8. Staff recommends motion to receive and file: a Section 108 Guaranteed Loan Custodial Agreement between Palm Beach County, a municipal corporation and the Clerk & Comptroller of Palm Beach County, a constitutional office. **SUMMARY:** On August 9, 2021, the Department of Housing & Economic Development applied for and was subsequently awarded \$14M from the U.S. Department of Housing & Urban Development (HUD) for the Section 108 Loan Guarantee Program. The Section 108 Loan Guarantee Program provides a source of low-cost long-term financing for economic development projects. HUD requires the designation of a Custodian to serve as the Palm Beach County Trustee for each HUD Loan Pool, responsible for safeguarding security agreements and documents executed on behalf of HUD and the County. Per each Contract, the County (as Borrower of the Section 108 Loan Guarantee Program funds) shall deliver a standard set of documents to the Clerk (as Custodian) no later than ninety (90) days after disbursement of Section 108 Loan Guarantee Program funds to a business borrower including the Section 108 Guaranteed Loan Custodial Agreement for new HUD Loan Pool B-21-UC-12-0004. County PPM CW-O-051 provides that 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)

9. Staff recommends motion to approve:

A) a budget transfer of \$1,475,594 in the Housing and Economic Sustainability Fund to set up transfers to allocate funds for renovations to the entrance plaza at Duncan Padgett Park; and

B) a budget amendment of \$1,475,594 in the Park Improvement Fund to recognize the transfer from the Housing and Economic Sustainability Fund and to appropriate those funds.

SUMMARY: On July 12, 2022, the Board of County Commissioners (BCC) approved an allocation of Community Development Block Grant (CDBG) funds in the amount of \$616,088 for renovations to the entrance plaza at Duncan Padgett Park located in Pahokee and CDBG funds in the amount of \$859,506 for renovations to the softball field at Glades Pioneer Park located in Belle Glade. A Memorandum of Understanding with Palm Beach County Department of Facilities Development and Operations (FDO), the Palm Beach County Parks and Recreation (P&R) and the Department of Housing and Economic Development require that an interdepartmental budget transfer be established to reimburse FDO and P&R for eligible project costs. The budget transfer and amendments are necessary to appropriate the required funds. **These are CDBG funds and require no local match.** District 6 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

10. Staff recommends motion to receive and file: Amendment 003 to Loan Agreement R2021-1076 with Habitat Housing Solutions for \$315,672, for the construction of three, for-sale, single family homes, extending the completion date from March 31, 2023 to September 30, 2023. **SUMMARY:** The HOME document has been executed on behalf of the Board of County Commissioners by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 5A-3 as approved by the BCC on February 11, 2020. The Loan Agreement (R2021-1076) with Habitat Housing Solutions, Inc., provided \$315,672 in HOME funding toward the construction of three single family affordable housing units located at 540 SW 8th Street in Belle Glade, 205 S. Barfield Highway in Pahokee, and 290 Cypress Avenue in Pahokee. Construction delays has impacted the project thereby the need to extend the project completion date from March 31, 2023 to September 30, 2023. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **HOME Program grant funds are Federal funds, which require a 25% local match provided by SHIP funds.** District 6 (HJF)

11. Staff recommends motion to approve:

A) a budget transfer of \$300,000 in the Housing and Economic Sustainability Fund to set up a transfer to allocate funds for the Wabasso Drive Bridge Replacement project; and

B) a budget amendment of \$300,000 in the Transportation and Improvement Fund to recognize the transfer from the Housing and Economic Sustainability Fund and to appropriate those funds for the Wabasso Drive Bridge Replacement project.

SUMMARY: On July 14, 2020, the Board of County Commissioners approved the annual FY 2020-2021 Action Plan that included the allocation of \$795,807 in Community Development Block Grant funds for the Wabasso Drive Bridge Replacement project, located on Wabasso Drive across the Lake Worth Drainage District L-2 Canal. Since that approval the anticipated cost of the project has increased and, as provided in the approved Action Plan, the Department of Housing and Economic Development (DHED) has allocated an additional funding amount \$300,000 for the project. A Memorandum of Understanding with Palm Beach County Department of Facilities Development and Operations (FDO), the Palm Beach County Engineering and Public Works Department (EPW) and DHED requires that an interdepartmental budget amendment be processed to reimburse FDO and EPW for eligible project costs. The budget transfer is necessary to appropriate the required funds. **These are CDBG funds and require no local match.** Districts 2 & 7 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

12. Staff recommends motion to approve:

A) a budget transfer of \$454,958 in the Housing and Economic Sustainability Fund to set up transfers to allocate funds for resurfacing of roadways within the Penn Park neighborhood project; and

B) a budget amendment of \$454,958 in Transportation and Improvement Fund to recognize the transfer from the Housing and Economic Sustainability Fund and to appropriate those funds for resurfacing of roadways within the Penn Park neighborhood project.

SUMMARY: On July 12, 2022, the Board of County Commissioners (BCC) approved an allocation of Community Development Block Grant (CDBG) funds in the amount of \$454,958 for the resurfacing of roadways within the Penn Park neighborhood, located north of Indiantown Road in Jupiter. A Memorandum of Understanding between Palm Beach County's Department of Engineering and Public Works (EPW) and Department of Housing and Economic Development require that an interdepartmental budget transfer be established to reimburse EPW for eligible project costs. The budget transfer and amendments are necessary to appropriate the required funds. **These are CDBG funds and require no local match.** District 1 (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd)

13. Staff recommend motion to:

A) receive and file a Funding/Approval Agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$14,000,000 for the Palm Beach County Section 108 Loan Guarantee Program; and

B) approve a budget amendment of \$14,000,000 in the HUD Loan Repayment Account fund to recognize the revenue and to establish the Section 108 Loan Guarantee Program appropriation budget.

SUMMARY: On August 9, 2021, the Department of Housing & Economic Development applied for and was subsequently awarded \$14,000,000 for the Section 108 Loan Guarantee Program. This agreement increases the available Section 108 Loan Program allocation by \$14,000,000. The Section 108 Loan Guarantee Program provides a source of low-cost long-term financing for economic development projects. This agreement was executed on behalf of the Board of County Commissioners by the Director of Housing & Economic Development as delegated by the County Administrator, in accordance with Agenda Item R2009-0725 approved by the Board on May 5, 2009. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **These are Federal funds, which require no local match.** Countywide (HJF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: a contract for the Kings Point Flanders and Capri Water Main Replacement (Project) with Amici Engineering Contractors, LLC (Contractor) in the amount of \$5,693,565.60. **SUMMARY:** On October 19, 2022, the Palm Beach County Water Utilities Department (PBCWUD) received six bids for the Project. Contractor was determined to be the lowest responsive and responsible bidder in the amount of \$5,693,565.60. The Project provides for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary for the replacement of approximately 18,500 linear feet of water main within Kings Point Flanders and Capri subdivisions. The construction services consist of installation of potable water mains, fire protection improvement, replacement of water service lines, and all associated appurtenances within the Kings Point residential community. This Project was procured under the requirements of the Equal Business Opportunity Ordinance. On September 8, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 3% shall be among certified African American and/or Hispanic American owned firms. Contractor has met the established API. The Contract provides for 20.37% SBE participation, which includes 4.03% MBE participation, 4.03% MBE (B). Contractor is headquartered in Miami, Florida. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-034) District 5 (MWJ)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: Amendment Number Three to the State of Florida Department of Transportation (FDOT) Joint Participation Agreement (Agreement) No. ARQ-58 (R2014-1767), in order to revise Amendment Number Two ARX-05 (R2020-0590), to provide for an additional six-months post construction monitoring and maintenance of Snook Islands/Bryant Park/Snook Islands II mitigation sites, beginning June 30, 2023 and with an expiration date of December 31, 2023. **SUMMARY:** On November 18, 2014, the Board of County Commissioners (BCC) approved an Agreement with the FDOT (R2014-1767) to fund a five-year program for monitoring and maintenance, and perpetual maintenance of the Snook Island/Bryant Park mitigation project. The Agreement provided \$200,000 to fund The Department of Environmental Resources Management staff to perform the monitoring and maintenance, and perpetual maintenance of the mitigation site. Delegated authority to sign future time extensions, task assignments, certifications and any other forms associated with this Agreement was approved at that time. On November 3, 2015, the BCC approved Agreement Amendment Number One (R2015-1567) to remove redundant indemnification language in paragraph 23. On June 2, 2020, the BCC approved Agreement Amendment Number Two ARX-05 (R2020-0590) combining FDOT Agreements ARQ-58 (R2014-1767) and ARX-05 (R2015-0725) for reimbursement of County staff and costs associated with the monitoring and maintenance of the Snook Island/Bryant Park and Snook Islands II mitigation sites up to \$110,000. Amendment Number Two also extended the time for this Agreement until June 30, 2023. Amendment Number Three provides an additional six months of post construction monitoring and maintenance of the Snook Island/Bryant Park/Snook Islands II mitigation sites. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** District 2 (SF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

2. Staff recommends motion to:

A) approve State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 23PB1 (Agreement) for an amount not to exceed \$837,643.13 providing for construction of the South Jupiter Beach Restoration Project (Project) beginning August 11, 2021 and expiring December 31, 2025;

B) approve a budget amendment of \$837,644 in the Beach Improvement Fund to recognize the revenue award from FDEP; and

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

SUMMARY: The Agreement reimburses the County up to \$837,643.13 for construction costs. The County provides a 50% match for the Project, up to \$837,643.13, using available funds in the Beach Improvement Fund. The Agreement covers eligible construction costs for storm repairs associated with Hurricane Dorian in 2019. FDEP routinely approves eligible projects through approved Local Government Funding Requests for up to three years after work is completed. The Agreement is retroactive to August 11, 2021. The Agreement contains an indemnification and termination provision that differs from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the County's need to conduct design, permitting, construction, and monitoring work for the Project, the amount of the grant award, County's current performance of such work and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of Section 768.28, Florida Statutes. The County cost share is \$837,643.13. District 1 (SF)

3. Staff recommends motion to approve: Amendment No. 1 to the Coral Cove Emergency Dune Restoration Contract No. 2023ERM01 (Contract) providing dune restoration services for the Coral Cove Dune Restoration Project (Project), in order to set a daily rate for Liquidated Damages. **SUMMARY:** On January 24, 2023, the Board of County Commissioners ratified the \$2,256,930 Contract (R2023-0094) to construct the Project. The Contract inadvertently omitted a term regarding the daily rate of Liquidated Damages. Amendment No. 1 sets the daily rate of Liquidated Damages applicable to the Contract at \$750 and specifies the section inside the Contract documents containing said daily rate. The total Contract amount and all other Contract terms remain unchanged. **There is no cost to the County.** District 1 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

4. Staff recommends motion to:

A) approve a Memorandum of Understanding (MOU) between Discover The Palm Beaches (DTPB), and Palm Beach County (County) to co-share the financial and managerial duties associated with the annual LagoonFest events from 2023 through 2025. County will provide a 50% financial commitment not to exceed \$25,000 for each event year for DTPB to secure a contract with a professional event management company to plan, promote and implement annual LagoonFest events from 2023 through 2025; and

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

SUMMARY: LagoonFest is an annual eco-themed festival that aims to inspire a connection between residents and visitors to Lake Worth Lagoon (LWL), the County's largest estuary. DTPB will partner with Environmental Resources Management (ERM) to plan, promote and implement annual LagoonFest Events from 2023 through 2025 utilizing a professional event management firm. A professional event management firm will provide services that include but are not limited to planning, securing municipal authorizations, offsetting event costs through sponsorship development, event marketing and promotion, maintenance of event budget records, as well as logistics and management during LagoonFest events. As co-producer of the LagoonFest events, ERM shares responsibility for the financial and managerial aspects with DTPB. ERM will contribute 50% of the event management firm fees not to exceed \$25,000 for each event year. The event management firm will be contracted by DTPB. Funding is provided from the County's Manatee Protection Fund (1232). Countywide (SF)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

5. Staff recommends motion to receive and file: Amendment No. 3 to the Florida Department of Environmental Protection (FDEP) Agreement No. 19PB16 (Agreement), for the South Jupiter Hurricane Irma Recovery Project (Project), extending the Agreement termination from November 15, 2022 to November 15, 2023. **SUMMARY:** On August 20, 2019, the Board of County Commissioners approved the Agreement (R2019-1179). Amendment No. 1 extended the termination date one year from November 15, 2020 to November 15, 2021. Amendment No. 2 extended the termination date one year from November 16, 2021 to November 15, 2022. This Amendment is retroactive to November 15, 2022. The Project placed 6,317 tons of sand along the shoreline between Carlin Park and the Jupiter Reef Club to repair erosion as a result of Hurricane Irma. Construction of the Project was completed February 28, 2020. 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 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: an executed Amphitheater Rental Agreement with Insomniac Holdings, LLC, for the Cyclops Cove Event at Sunset Cove Amphitheater, for the period of December 8, 2022 through December 12, 2022. **SUMMARY:** This Amphitheater Rental 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 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166. 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 5 (AH)
2. Staff recommends motion to receive and file: an executed Special Events Rental Agreement with Lights 4 Hope, Inc., for the Lights 4 Hope Event at Okeeheelee Park, for the period October 21, 2022 through January 9, 2023. **SUMMARY:** This Special Events Rental 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 R2021-1552. 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 2 (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd)

3. Staff recommends motion to receive and file: an executed Resident Caretaker Lease Agreement with Christopher Sean McNamara, a full time County employee, for the residence located at John Prince Park Campground, executed on December 23, 2022. **SUMMARY:** This Resident Caretaker Lease 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 2016-1606. 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 as a receive and file agenda item. District 3 (AH)

4. Staff recommends motion to receive and file: an executed Independent Contractor Agreement with Go with Gabe LLC, for pickleball instruction at various Palm Beach County Parks locations (indoor and outdoor), for the period of December 12, 2022 through September 30, 2023 in an amount not to exceed \$11,895. **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. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd)

5. Staff recommends motion to receive and file: a fully executed State of Florida Coastal Zone Management Program Grant Amendment No. 1 to Agreement No. CZ420 for ADA improvements at Phil Foster Park extending the expiration date from December 30, 2022 until June 30, 2023. **SUMMARY:** On November 17, 2020, the Board of County Commissioners (BCC) ratified the Mayor's signature on a Florida Coastal Partnership Initiative grant application (R2020-1731) which requested \$25,000 for ADA improvements at Phil Foster Park. The BCC also authorized the County Administrator or designee to execute the Project Agreement (DEP Agreement No. CZ420) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was executed by the Director of Parks and Recreation, and submitted to the BCC to receive and file and established budget on September 14, 2021 (R2021-1262). On July 12, 2022, the BCC approved a six-month time extension (R2022-0714) from June 30, 2022 to December 30, 2022. The project includes a rollout accessibility mat and five beach wheelchairs. Due to the difficulty in acquiring the beach wheelchairs, a second six-month extension was requested. The Florida Department of Environmental Protection approved a second six month time extension from December 30, 2022 to June 30, 2023. The Amendment has been executed by the Director of the Parks and Recreation. The Department is now submitting this Amendment 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 7 (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd)

6. Staff recommends motion to:

A) ratify the signature of the Mayor on a Land and Water Conservation Fund (LWCF) grant application submitted to the State of Florida Department of Environmental Protection (FDEP) signed on January 20, 2023, requesting \$1.5 M to fund 50% of construction costs associated with the Villages of Windsor Phase One Park Development Project;

B) authorize the County Administrator or designee to execute the grant agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent and the County Administrator's designee with FDEP for this project.

SUMMARY: This grant application requests \$1.5 M in LWCF funding for the Villages of Windsor Phase One Park Development Project. Phase One grant project elements include a new five-pen dog park, an exercise trail with fitness stations around the lake, picnic facilities, a canoe/kayak launch, an ADA accessible restroom, paved parking, lighting, landscaping and associated infrastructure. **The grant request is for \$1.5 M and requires a \$1.5 M (50%) match, which will be funded from the Department's Zone 2 Impact Fees.** The State's time frame for this application did not allow for prior approval by the Board. In order to meet the grant application deadline, the Mayor signed the application on behalf of the Board as authorized by the Palm Beach County Administrative Code, Section 309.00. This Code requires that the grant be presented to the Board for ratification at the next available Board meeting after signature by the Mayor. If the grant is awarded, the County is expected to receive a grant contract in the fall of 2023 and have three years to complete the project. If the grant is awarded, the grant requires the project adhere to the Build America/Buy America Act, as well as a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation in perpetuity at the completion of the project. District 6 (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd)

7. Staff recommends motion to approve: a Memorandum of Agreement with the Children's Services Council of Palm Beach County (CSC) providing funding in an amount not to exceed \$10,000 for processing fees associated with lifeguarding and water safety instructor certification courses taught by Parks and Recreation Certified Lifeguard Instructors for the period of March 14, 2023 through September 30, 2023. **SUMMARY:** The Parks and Recreation Department's Aquatics Division provides lifeguarding and water safety certification courses to the public. The CSC has agreed to fund the lifeguarding and safety certification courses with the goal of removing financial barriers that may prevent enrollment. CSC will transfer an amount not to exceed \$10,000 within 30 days of receipt of written request for funds as outlined in the Agreement. This agreement requires the County to provide a minimum of one lifeguarding certification course every month and one water safety instructor course bi-monthly, through September 30, 2023. Countywide (AH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: (A) appointment; and (B) reappointment of the following individuals to the Agricultural Enhancement Council for the term of March 14, 2023 to March 13, 2026.

(A) Appointment

<u>Name</u>	<u>Category, Seat Number</u>	<u>Expire</u>
Richard Sanchez	Sugarcane Industry, Seat 3	03/13/26
Brandon Balch	Plant Nursery Industry, Seat 5	03/13/26

(B) Reappointment

<u>Name</u>	<u>Category, Seat Number</u>	<u>Expire</u>
Rick Roth	Ag Producer Outside the Ag Reserve, Seat 2	03/13/26
Krista Erickson	Erickson Farm, Inc., Financial, Seat 4	03/13/26
Stephen Basore	Agricultural Value-Added Industry, Seat 6	03/13/26
John Taylor	Agricultural Support Industry, Seat 7	03/13/26
William Eric Hopkins	EAA Vegetable Grower, Seat 8	03/13/26
Richard Faver	Equine Industry, Seat 9	03/13/26

SUMMARY: Based on Resolution No. R2014-0303, nine members are nominated by either specific agricultural enterprises or by the Palm Beach County Extension Department to represent a cross section of agricultural related entities on the Agricultural Enhancement Council (AEC). Eight nominations are being submitted at this time for approval by the Board of County Commissioners. There will be one vacancy on the AEC if all eight members are approved. If approved, the diversity count will be Caucasian: 7(87.5%), Hispanic: 1 (12.5%). The gender ratio (male:female) is 7:1. New member appointments include Richard Sanchez (Hispanic male) and Brandon Balch (Caucasian male). Staff is actively seeking to increase diversity on this board. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to: receive and file: the sixth amendment to the Interlocal Agreement (R2018-0099) between Palm Beach County (County) and the Public Defender's Office of the Fifteenth Judicial Circuit (Public Defender) to add outcomes and extend the term of the Agreement from December 31, 2022 to September 30, 2023. **SUMMARY:** The sixth amendment to the Interlocal Agreement with the Public Defender extends the funding period for continued community-based services in facilitating the pretrial release of inmates from jail. On January 23, 2018, the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Interlocal Agreement. 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. Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (cont'd)

2. Staff recommends motion to receive and file: the first amendment to the Interlocal Agreement with Florida State University, College of Criminology and Criminal Justice (FSU) (R2022-0565) to perform research and evaluation of the efficacy of Pretrial changes intended to reduce jail population and the first appearance frequent utilizer's project, increasing the Agreement amount by \$242,629 for a not to exceed amount of \$309,879, and extending the term of the Agreement through December 31, 2024. **SUMMARY:** On September 1, 2021, the County, through its Criminal Justice Commission (CJC), executed a Memorandum of Understanding (MOU) with FSU to collaborate on policy/practice relevant research. The Interlocal Agreement with FSU supports this MOU. FSU is providing research and evaluation services to the County's CJC in support of its ongoing commitment to the MacArthur Foundation's Safety and Justice Challenge (SJC). The key objectives of the SJC are to: 1) safely reduce jail populations; and 2) address racial and ethnic disparities. On June 7, 2022, the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Interlocal Agreement. 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. **No county match is required.** Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (cont'd)

3. Staff recommends motion to approve:

A) appointment of five new members to the Criminal Justice Commission for the period March 14, 2023 to December 31, 2025; and

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Earnie Ellison	22	12/31/2025	Economic Council
Michelle Suskauer	23	12/31/2025	Economic Council
Julia Dattolo	25	12/31/2025	Economic Council
Darcy Davis	28	12/31/2025	Economic Council

B) reappointment of two current members to the Criminal Justice Commission for the period March 14, 2023 to December 31, 2025.

<u>Re-Appointment Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Lauren Whetstone	26	12/31/2025	Economic Council
Rachel Docekal	31	12/31/2025	Economic Council

SUMMARY: The Criminal Justice Commission (CJC) is comprised of 32 members; 21 public sector members representing local, state, and federal criminal justice and governmental agencies; 10 private sector business leaders representing and nominated for three-year terms by the Economic Council of Palm Beach County, Inc. (Council) and appointed by the Board of County Commissioners (BCC); and one private sector member representing the clergy is nominated for a three-year term by a variety of clergy associations in the County representing a broad-range of faiths, and appointed by the BCC. The Board has 32 seats; 31 seats currently filled and a diversity count of Caucasian: 24 (71%), and African-American: 7 (26%). The gender ratio (female: male) is 9:22. The seven nominees include five Caucasian females, one Caucasian male and one African-American male. Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (cont'd)

4. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, repealing and replacing Resolution No. R91-1485, as amended, establishing the Public Safety Coordinating Council (PSCC) pursuant to section 951.26, Florida Statutes; designating the PSCC as the criminal justice, mental health, and substance abuse planning council pursuant to Section 394.657, Florida Statutes; providing for purpose; providing for membership and terms; providing for officers; providing for sunshine law and codes of ethics; providing for meetings; and providing for effective date. **SUMMARY:** The Palm Beach County Board of County Commissioners (BCC) created the predecessor to the PSCC in 1991, (Resolution R91-1485), and subsequently amended the resolution to conform the terms of the resolution to Section 951.26, Florida Statutes. This resolution updates the 1991 Resolution and its amendments, and designates the PSCC as the criminal justice, mental health, and substance abuse planning council required by Section 394.657, Florida Statutes. Additional members required by Section 394.657, Florida Statutes, have been added to the PSCC. Countywide (HH)

S. FIRE RESCUE

1. Staff recommends motion to receive and file:

A) lease agreement for the Use of School Facilities with the School Board of Palm Beach County, for Fire Rescue testing (Wellington High), on November 18-19, 2022, and;

B) lease agreement for Use of School Facilities with the School Board of Palm Beach County, for Fire Rescue testing (Wellington High), on January 20-21, 2023.

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 lease agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the Fire Rescue Administrator, in accordance with a delegation of authority from the Board (R2017-1072) through the County Administrator. These executed documents are now being submitted to the Board to receive and file. Countywide (SB)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (cont'd)

2. Staff recommends motion to receive and file: a copy of municipal ordinance No. 12-22 of the Town of Jupiter (Town), extending the Town's participation in the Jupiter Municipal Services Taxing Unit (MSTU) through December 31, 2027, subject to an annual renewal. **SUMMARY:** the County has provided fire rescue services to the Town as part of the Jupiter MSTU since 1997. The Town has adopted Ordinance No. 12-22 to extend their participation through December 31, 2027 to fund fire-rescue services by the County through 7:30 a.m. on October 1, 2028. The Town Ordinance is now being submitted to the Board of County Commissioners to receive and file. Countywide (SB)

3. Staff recommends motion to approve:
 - A) a State-Funded Grant Agreement Urban Search and Rescue (US&R) Grant with the State of Florida, Division of Emergency Management, in the amount of \$12,000 retroactively for the period of July 1, 2022 through June 30, 2023; and

 - B) a budget amendment of \$12,000 within the Fire/Rescue MSTU Fund to recognize the grant award for FY2023, and establish a budget for the approved grant.

SUMMARY: The intent of this grant agreement is to sustain the Statewide US&R capabilities to prepare for and respond to disasters throughout the State of Florida by providing funding in support of the Florida US&R and Light Technical Rescue Teams. The County must comply with all terms, conditions, certifications, assurances and other requirements of the Agreement. **This grant award equals a total grant project cost of \$12,000 and does not require a County match.** Countywide (SB)

4. Staff recommends motion to adopt: 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 rescue (Apparatus) (Asset 10196870), to the Sheriff of Palm Beach County, Florida, (Sheriff) 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:** The Sheriff currently has a Reserve and Auxiliary Officer (RAO) unit operated by volunteer deputies who support the community from road patrol operations to community events. The Apparatus will be used for mobile command post, quick response with equipment to countywide operations and recruiting new deputies in support of the RAO unit. The asset being transferred is not needed for County purposes and has a de Minimis useful value to the Fire/Rescue MSTU. The suggested minimum bid value of the asset is \$26,456, with a depreciated value of \$12,952.51. Countywide (SB)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (cont'd)

5. Staff recommends motion to ratify:

A) a FY 2022 Assistance to Firefighters Grant (AFG) application electronically submitted to the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) on February 9, 2023, requesting \$780,000 to fund 90% of the purchase of a 450 Liquid CO2 Extractor machine, for a term beginning twenty four months from the date of award; and

B) the designation of the County Administrator or designee to act as the County's representative for the purpose of electronically signing and submitting the FY 2022 AFG grant application, including Assurances and Certifications via the DHS FEMA website.

SUMMARY: This grant application requests \$780,000 from DHS FEMA for the purchase of a 450 Liquid CO2 Extractor machine that removes 99% of the 10 target contaminants from firefighter bunker gear after a fire. The total project cost identified in the grant application is \$858,000. **The required match for this grant is \$78,000 (10% of the federal share), which will be funded from Fire Rescue's contingency reserve.** If awarded, the grant will provide funding for the cost of the machine (\$458,000), installation (\$200,000) and two years of maintenance (\$100,000 yearly). The machine will provide immeasurable benefits to the health and safety of our firefighters, as it helps reduce the risk of cancer and other adverse effects caused by exposure to products of combustion. Due to the preparation time, submittal deadlines, and BCC meeting dates, the grant application had to be submitted prior to full Board approval. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: the AT&T Special Service Arrangement Agreement to purchase and install 61 Vesta Call-Taker Work supplementing the existing equipment and software associated with the County's NextGeneration 911 (NG911) and Public Safety Answering Point systems for a one-time cost of \$1,884,585 and a revised recurring annual cost of \$254,400. **SUMMARY:** The standalone Special Services Arrangement Agreement will enable the County's Public Safety, 911 Division, to continue the modernization and enhancement of of the call-takers ability to better serve the citizens of Palm Beach County. The costs associated with this installation includes a one-time cost of \$1,884,585 as well as an annual fee of \$254,400 and is available in the Public Safety Emergency Communications Number "E-911" FS365.172 fund. Countywide (DB)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve a standard 9-1-1 Public Safety Answering Point (PSAP) “Agreement for the Installation, Operation and Maintenance of the 9-1-1 Emergency Call Handling System” template to be executed with the municipalities within Palm Beach County operating a primary PSAP on the County’s Next Generation 9-1-1 network; and

B) authorize the County Administrator or designee to execute the agreements, non-material amendments, administrative documents and renewals associated with these standard agreements, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney’s Office, and within budgeted allocations.

SUMMARY: The Public Safety Department’s Division of 911 Program Services provides the 9-1-1 Call Handling System and Equipment to the PSAPs and is responsible for its maintenance. The PSAPs provide the call takers and personnel to answer the 9-1-1 calls and dispatch the proper emergency response to the incident. The attached template agreement would replace the existing agreements for 9-1-1 equipment and maintenance. The current agreements were approved in August 1992 (R92-1154D thru R92-1174D); the term was for one year with automatic renewals and no expiration date. New agreements are being proposed to account for system moves, additions and/or changes. These agreements will be enacted with a five-year term and three one-year renewals upon agreement of the parties. This will ensure the terms remain current and reflect the status and requirements of the PBC 9-1-1 system and the Florida State E911 Plan. The agreement outlines the responsibilities of the County and the municipalities to ensure the efficient operation of the system and equipment compliance with the Florida State E911 Plan. There is no fiscal impact associated with these agreements. Currently, there are thirteen (13) primary PSAPs in Palm Beach County. Twelve (12) of the PSAPs are operated by municipalities. These PSAPs are located in: Cities of Atlantis, Boca Raton, Boynton Beach, Delray Beach, Palm Beach Gardens, Riviera Beach and West Palm Beach; Towns of Lantana, Manalapan, Ocean Ridge and Palm Beach; and Village of Palm Springs. The remaining primary PSAP is operated by Palm Beach County Sheriff’s Office. As part of each agreement, there will be an Exhibit A, which will include a list of current call handling equipment provided to each PSAP, which may need to be modified upon agreement of the contract monitors from time to time for items such as technology upgrades, equipment replacement, etc. Countywide (SB)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd)

2. **Staff recommends motion to approve:** the Federally Funded Subaward and Grant Agreement for DR-4673-Hurricane Ian (Agreement Number: Z3452) (the Agreement) with the State of Florida, Division of Emergency Management (FDEM) to authorize projects related to Hurricane Ian and for reimbursement for eligible project expenses. **SUMMARY:** On September 29, 2022, the President of the United States issued a major disaster declaration designated “FEMA-4673-DR” for the State of Florida as a result of Hurricane Ian authorizing Public Assistance (PA) funding for eligible Florida Counties. PA is a federal grant to aid state and local governments in returning a disaster area to pre-disaster conditions. On October 4, 2022, FEMA-4673-DR was amended to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the PA program at 100%. Therefore, the federal share of the eligible costs under this Agreement is 100%. Expenses associated with Hurricane Ian and eligible for reimbursement were projected at \$1,048,449.41 which included force account labor, equipment, and material. Assistance Listing Number (Formerly CFDA Number: 97.036). **No matching funds are required.** Countywide (DB)

3. **Staff recommends motion to: receive and file:** an extension to the Memorandum of Agreement (MOA) with the City of Miami (R2021-1443) for the Urban Area Security Initiative (UASI) GY 2020 agreement #R0232 in the amount of \$465,726 extending the grant period through February 28, 2023 in order to complete emergency management planning projects totaling \$320,226. **SUMMARY:** The City of Miami offered an extension on the original MOA, which expired June 30, 2022. Amendments to the original MOA were needed to effectively spend the funds. However, delays in the amendment approval process warranted Miami offering the extension. The original MOA (CFDA # 97.067) provides a means of funding various domestic security activities within the County using Federal UASI funds through the City of Miami as the UASI’s fiscal agent. The incomplete projects included an award to Palm Beach County to conduct Cybersecurity Threat Intelligence Management; an award for Deployable FORT sustainment; and an award for Patient Tracking Software. R2013-0622 gave the authority to the County Administrator, or designee, to execute these agreements on behalf of the Board of County Commission. **No County matching funds are required.** Countywide (DB)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd)

4. Staff recommends motion to approve: Memorandum of Agreement (Agreement) #A5261 with Florida Department of Corrections (DOC) to provide advocacy services to incarcerated victims of sexual assault for a five year term beginning March 14, 2023 through January 9, 2028 with no financial obligations. **SUMMARY:** DOC is a state agency that operates five correction facilities in Palm Beach County to include a prison, release center, and reentry sites. In order to comply with the Prison Rape Elimination Act (PREA) standards, in 2017, DOC executed an agreement with the Department of Public Safety Division of Victim Services (R2017-0107) for advocacy services and crisis intervention to incarcerated victims of sexual assault. In 2019, pursuant to the original agreement, DOC exercised its final three year renewal option with an expiration date of January 9, 2023 (R2019-1808). DOC is seeking to execute a new agreement with DVS to outline the respective duties, responsibilities, policies and procedures that will be undertaken by DOC and the County when providing sexual assault services. The Agreement addresses notification, access procedures, provision of service, confidentiality, logistical and security needs of the County. The Agreement aligns with the PREA standards established by the U.S. Department of Justice, best practices in the field of sexual assault victim services and is commensurate with sexual assault services available to the community at large. Countywide (RS)

5. Staff recommends motion to approve: contract with Choice to Change (C2C), a not-for-profit corporation, to provide community service assistance and restitution sponsorship services to eligible youth reentry participants for the period of March 14, 2023, through September 30, 2023 in an amount not to exceed \$24,021. **SUMMARY:** The Public Safety Department's Youth Reentry Program under their Justice Services Division provides critical services to juvenile-justice involved youth returning to the community from incarceration. Youth reentry services are comprised of targeted case management, certified peer support, support services, and partnerships with community partners to create a continuum of coordinated care across systems and providers. As part of support services, C2C will organize community service events for youth reentry participants to earn community service hours. Once community service hours are completed, C2C will provide proportionate financial payments towards their restitution and court fee payments. C2C's program will help build skills, strengths, and competencies that positively impact the youth's criminogenic risk and needs. Countywide (RS)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: renewal of the excess property, excess liability, excess workers' compensation insurance programs, and ancillary policies for the period April 1, 2023 through March 31, 2024 purchased under Contract No. 21-040DP through the County's contracted broker, Risk Management Associates, Inc. (aka Brown & Brown), at a total cost not-to-exceed \$16,595,820. **SUMMARY:** The projected 2023-2024 excess insurance program renewal premiums reflect a total not-to-exceed cost of \$16,595,820 which is approximately a 36% overall increase over the expiring total premium of \$12,203,040. While last year's renewal yielded significant coverage enhancements and modest premium savings, market conditions in property insurance have hardened dramatically due to numerous large losses in both the excess and re-insurance markets. These losses, accompanied with the inability to obtain solid yields on their investments, have resulted in increased premiums, scaled back writing capacity and in some cases, limited carrier participation in certain markets. Risk Management, in conjunction with our Broker has aggressively marketed our program to over 140 global insurance companies to ensure we secure the best available rates in this difficult market. This included meeting (either in-person or virtually) with underwriters for most of our 31 separate property insurers. This allowed us to explain in detail what separates Palm Beach County from other risks they may insure. Discussions included our loss history, the quality of our building codes and structures, our 5-year plan for re-appraising all County buildings, our commitment to capital improvements, and our comprehensive disaster management program. The County's total insurable property value currently stands at just over \$2.7 billion. The program also includes \$5 million of excess liability insurance, subject to a \$500,000 Self-Insured Retention. Excess workers' compensation insurance is included covering all costs in excess of \$2.25 million per occurrence. All state-mandated surcharges and assessments are included within the estimated renewal cost. Sufficient funds are budgeted and are available for this coverage. Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to:**

A) approve the Fiscal Year 2023 Certifications and Assurances (C&As) to the Federal Transit Administration (FTA); and

B) authorize the County Administrator or designee to electronically execute and file the required Certifications and Assurances on behalf of the Board of County Commissioners (BCC) and to bind the BCC's compliance with the Certifications and Assurances.

SUMMARY: On January 27, 2023, the FTA released the FY2023 list of C&As. The annual list covers certifications such as Lobbying, Alcohol and Controlled Substances Testing, Seniors and Individuals with Disabilities Programs, Non-Discrimination, Disadvantaged Business Enterprises, Hiring Preferences, Public Transportation Agency Safety Plans and most and most recently, The Emergency Relief Program. The FTA requires grantees to submit C&As within 90 days of publication to signify the County's commitment to comply with requirements applicable to any FTA award the County pursues during FY2023. The FTA also requires an affirmation from the applicant's attorney that the applicant has authority to make and comply with the Assurances. This document does not allocate any funding and there is no cost to the County. Countywide (MM)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. Staff recommends motion to ratify: the Mayor's delegation of authority to Tammy K. Fields, Director of Youth Services to sign/submit an Application for Award (Application) with the National Institutes of Health (NIH) for the Other Transactions Research Opportunity Announcement Number, OTA-22-007, titled Community Partnerships to Advance Science for Society Program: Community-Led, Health Equity Structural Intervention Initiative for the period September 30, 2023, through September 29, 2033, in an amount not to exceed \$12 Million. **SUMMARY:** In December 2022, the NIH invited the Youth Services Department (YSD) to submit a full application based on a Letter of Intent submitted in November. **The award is not to exceed \$12M, over a 10-year period (September 2023 through September 2033), and does not require a County match.** YSD will work in partnership with Center for Child Counseling, Inc., and Florida State University as the research partner and collaborate with many local organizations and state agencies. The Application, entitled Building a Resilient Palm Beach County by Enhancing Systems Network to Reduce Mental Health Stigma and Barriers to Mental Wellness, was electronically submitted on February 1, 2023. The goal is to identify and leverage community collaborations to enhance the existing system for building resiliency in children and their parents to mitigate the effects of toxic stress and trauma before they develop into a crisis or damaging behaviors (i.e., substance misuse, mental conditions, co-morbid medical conditions, criminal behavior or risky behaviors). In January, the Mayor delegated authority for purposes of signing/submitting the electronic application. Countywide (HH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Subgrant Agreement from the State of Florida Department of Transportation for the Palm Beach County Sheriff's Office, Palm Beach County Speed and Aggressive Driving Strategy project, in the amount of \$200,000, for the period of January 18, 2023 through September 30, 2023; and

B) approve a budget amendment of \$200,000, increasing the Sheriff's Grants fund.

SUMMARY: On January 18, 2023, the Florida Department of Transportation awarded a grant to the Palm Beach County Sheriff's Office in the amount of \$200,000 to support a Speed and Aggressive Driving Strategy project in Palm Beach County. Funds will be used to support overtime costs associated with the project. The Catalog of Federal Domestic Assistance (CFDA) number is 20.600, the project number is SC-2023-00279, and the DOT Contract number is G2E04. **There is no match requirement associated with this award.** Countywide (RS)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Subgrant Agreement from the State of Florida Department of Transportation for the Palm Beach County Sheriff's Office, Palm Beach County Occupant Protection Program project, in the amount of \$200,000, for the period of February 2, 2023 through September 30, 2023; and

B) approve a budget amendment of \$200,000, increasing the Sheriff's Grants fund.

SUMMARY: On February 2, 2023, the Florida Department of Transportation awarded a grant to the Palm Beach County Sheriff's Office in the amount of \$200,000 to support an Occupant Protection Program project in Palm Beach County. Funds will be used to support overtime costs associated with the project. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance (CFDA) number is 20.600, the project number is OP-2023-00356, and the DOT Contract number is G2G41. Countywide (RS)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Federally Funded Sub-Award & Grant Agreement for a FY22 State Homeland Security Grant in the amount of \$916,000, for the period of February 1, 2023 through March 31, 2024; and

B) approve a budget amendment in the amount of \$916,000 in the Sheriff's Grant Fund.

SUMMARY: On February 1, 2023, the Palm Beach County Sheriff's Office (PBSO) received a FY22 State Homeland Security Grant Program (SHSGP) award from the State of Florida, Division of Emergency Management. These funds will be used for specialty team equipment, training and intelligence and information sharing initiatives. There is no match associated with this award. The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 97.067 and the contract number is R0569. Countywide (RS)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd)

4. Staff recommends motion to approve: a budget transfer of \$704,500 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Section 932.7055(5), Florida Statutes; provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. Section 932.7055(5), Florida Statutes; also requires that no less than 25% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2023 donation requirement is \$230,119. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$1,140,034. The funds requested are to aid PBSO and qualified organizations that meet the requirements set forth in Section 932.7055(5), Florida Statutes. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$2,218,969. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,514,469. The PBSO certifies that the use of these funds is in accordance with Section 932.7055(5), Florida Statutes. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (RS)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd)

4. SUMMARY: (cont'd)

ORGANIZATION	AMOUNT
Alpha Educational Foundation	\$25,000
Bella's Angels	\$25,000
Big Dog Ranch Rescue - Veteran's Program*	\$250,000
Boca West Community Charitable Foundation	\$33,000
Center for Child Counseling	\$10,000
Child Protection Team	\$15,000
Children's Case Management Organization	\$7,500
Choice to Change	\$10,000
Cultural Council of Palm Beach County	\$10,000
Elizabeth Faulk Foundation	\$20,000
Faith's Place Center for Arts Education	\$50,000
Florida Outreach for the Blind	\$5,000
Habitat for Humanity South Palm Beach	\$15,000
Hands Together for Haitians	\$10,000
Hanley Foundation	\$5,000
Junior Achievement	\$10,000
KidSafe Foundation	\$5,000
New Hope Charities	\$25,000
Operation Restore	\$10,000
Palm Beach County PAL Summer Basketball	\$25,000
Palm Beach County PAL Tutoring Program	\$15,000
Palm Beach County PAL Youth Summit	\$15,000
PBCSF - Youth Scholarships	\$25,000
Safety Council of PBC Baby in Back	\$4,000
Urban League of Palm Beach County	\$50,000
YMCA of the Palm Beaches	\$15,000
YMCA South Palm Beach County	\$15,000
Total Amount	\$704,500

* NOTE: In keeping with the Agency's continued focus on mental health and wellness, PBSO is partnering with Big Dog Ranch Rescue and their Veteran Dog Training Program. At no cost to veterans, this community based initiative provides a second chance for rescue dogs, matching them up with military veterans who can benefit from having a trained service dog in their lives to help mitigate physical and mental disabilities, such as PTSD. This proactive program, classified by the Veterans Administration as a "Non-Traditional and Innovative" therapy, aims to reduce suicide rates in our Veteran population.

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd)

5. Staff recommends motion to:

A) receive and file Grant Modification #2 with the Office of National Drug Control Policy to provide supplemental funds in the amount of \$22,621 for the Palm Beach County Sheriff's Office; and

B) approve a budget amendment of \$22,621 in the Sheriff's Grant Fund.

SUMMARY: On June 14, 2022, the Board of County Commissioners (BCC) 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. On December 20, 2022, the BCC approved supplemental funds in the amount of \$50,176.28 (R2022-1550). This agenda item will provide an additional \$22,621 in grants funds for the PBCNTF, which brings the total grant award to \$202,342.28. **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)

DD. EQUAL OPPORTUNITY

1. Staff recommends motion to approve: appointment of one at-large member to the Fair Housing/Equal Employment (FH/EE) Board for a three-year term effective on March 14, 2023 through September 30, 2026.

Nominee	Seat No.	Requirement	Nominated By	Term
Michael Gore	8	PBC Resident	Commissioner Bernard	3/14/23-9/30/26

SUMMARY: The FH/EE board is comprised of nine (9) members, consisting of seven district appointments and two at-large members. Following the resignation of at-large appointee Eric Malkin, Michael Gore submitted an application and nominations were requested in a January 5, 2023 memo to the Board of County Commissioners. The FH/EE board serves as a quasi-judicial body empowered to hear and decide upon the merits of employment and housing discrimination complaints investigated by the Office of Equal Opportunity. Five of the board's nine seats are currently filled with a diversity count of Caucasian: 3 (60%), African American: 2 (40%) and Hispanic: 0 (0%). The gender ratio (female: male) is: 0:5. This nominee is a Caucasian male. Countywide (DO)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

DD. EQUAL OPPORTUNITY

2. Staff recommends motion to ratify: the Mayor's signature on the Cooperative Agreement Amendment with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$3,500 for the performance period of October 1, 2021 through September 30, 2022. **SUMMARY:** The U.S. Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity, previously awarded the Office of Equal Opportunity (OEO) a total of \$22,440 to help facilitate the agency's efforts to train its fair housing enforcement personnel. The performance period began on October 1, 2021 and ended September 30, 2022. On December 6, 2022, OEO notified HUD that it only incurred \$3,500 in training costs for the performance period. This reduction in training expenses was due to the unavailability of in-person fair housing training programs as a result of the COVID-19 pandemic and/or availability of free fair housing webinars that did not require the use of per diem travel funds. On December 29, 2022, OEO vouchered for the \$3,500 training funds and HUD notified OEO that it will proceed with deobligation of the remaining balance of \$18,940 which was not spent during the performance period. The emergency signature process was utilized because there was insufficient time to submit this item through the regular Board of County Commissioners agenda process and meet HUD's deadline. Countywide (DO)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to receive and file:** two fully executed Palm Beach County FY2023, Category “G” Grant Agreements managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with:

A) Championship Tournaments, LLC., for the promotion of the Development Player League, (DPL) Winter Showcase, held from January 5 – 8, 2023 for the term October 5, 2022 – April 8, 2023. This grantee was approved by the TDC on November 16, 2022, in the amount of \$50,000; and

B) Equestrian Sport Production, LLC, for the promotion of the Winter Equestrian Festival, held from January 4 – April 2, 2023, for the term July 4, 2022 – July 2, 2023. This grantee was approved by the TDC on November 16, 2022, in the amount of \$125,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights for Championship Tournaments, LLC/ Development Player League (DPL) Winter Showcase were 5,000 and room nights generated for Equestrian Sport Production, LLC/Winter Equestrian Festival are estimated at 85,000. Districts 1, 6 & 7 (YBH)

2. **Staff recommends motion to receive and file:** a fully executed Palm Beach County FY2023, Category “G” Grant Agreement managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with Equestrian Sport Productions, LLC, for the promotion of the Equestrian Holiday & Horses Circuit, held from November 30 – December 31, 2022. The term of this agreement is August 30, 2022 – April 30, 2023. This grantee was approved by the TDC on September 12, 2022, in the amount of \$20,000. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. This grant agreement generated 25,375 room nights. District 6 (YBH)

MARCH 14, 2023

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL (cont'd)

3. **Staff recommends motion to receive and file:** two fully executed Palm Beach County FY2023, Category “G” Grant Agreements managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with:

A) Maureen Connolly Brinker Tennis Foundation, Inc., for the promotion of the “Little Mo” Internationals in Florida, held from December 2 - 7, 2022, for the term August 2, 2022 – April 7, 2023. This grantee was approved by the TDC on September 12, 2022, in the amount of \$12,500; and

B) Palm Beaches Marathon, LLC, for the promotion of the Garden of Life Palm Beaches Marathon, held from December 10 – 11, 2022, for the term August 10, 2022 – April 11, 2023. This grantee was approved by the TDC on September 12, 2022, in the amount of \$15,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights for Maureen Conolly Brinker Tennis Foundation, Inc./”Little Mo” Internationals in Florida were 1714 and room nights generated for Palm Beaches Marathon, LLC/Garden of Life Palm Beaches Marathon were 1892. Districts 1 & 7 (YBH)

4. **Staff recommends motion to receive and file:** a fully executed Palm Beach County FY2023, Category “G” Grant Agreement with the Palm Beach County Sports Commission, Inc., for the promotion of the Holiday Basketball Classic of the Palm Beaches, held from December 27 – 30, 2022. The term of this agreement is September 27, 2022 – March 30, 2023. This grantee was approved by the TDC on September 8, 2022, in the amount of \$15,000. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. This grant agreement generated 870 room nights. District 1 (YBH)

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MARCH 14, 2023

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A)** Presentation of the International Maintenance Conference Award to the Palm Beach County Water Utilities Department
- B)** Proclamation declaring March 20-24, 2023 as Government Finance Professionals Week in Palm Beach County (District 1)
- C)** Certificate of Recognition Palm Tran’s Most Frequent Riders (District 7)
- D)** Proclamation declaring March 2023 as Florida Bicycle Month in Palm Beach County (District 1)
- E)** Certificate of Recognition to Kitty Lundan (District 7)
- F)** Proclamation declaring March 6-10, 2023 as Flood Awareness Week in Palm Beach County (District 2)
- G)** Proclamation recognizing the 50th Anniversary of the Palm Beach County Chapter of the National Organization for Women in Palm Beach County (District 5)
- H)** Proclamation declaring March 25-31, 2023 as National Farmworker Awareness Week in Palm Beach County (District 2)
- I)** Proclamation declaring April as Sexual Assault Awareness Month in Palm Beach County (District 4)
- J)** Proclamation declaring March 2023 as Women’s History Month in Palm Beach County (District 6)
- K)** Proclamation declaring March 31, 2023 as The Lord’s Place SleepOut Homelessness Awareness Day (District 4)
- L)** Proclamation declaring March 21-27, 2023 as National Agricultural Week (District 6)
- M)** Proclamation declaring March 14, 2023 as Palm Beach County Fire Rescue Advanced Life Support Team Day (District 5)

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MARCH 14, 2023

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

A. ADMINISTRATION

1. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adding Chapter 29 to the Palm Beach County code; prohibiting the unauthorized projections of signs onto buildings, structures or other places; providing for severability; providing for inclusion in the code; and providing for an effective date. **SUMMARY:** At the request of the Board of County Commissioners at its February 7, 2023 Regular Meeting, this ordinance is being proposed for consideration and seeks to add Chapter 29 to the Palm Beach County Code to prohibit projections of text, graphics, logos, or artwork onto a building, structure or any other place (including public spaces), regardless of the content or viewpoint expressed therein, without the consent of the owner or person in control of the building. Violation of this ordinance is criminally punishable by a fine in an amount exceeding \$500, but not exceeding \$2,000 a day, if the county must have authority to punish a violation of that ordinance by a fine in an amount greater than \$500 in order for the county to carry out a federally mandated program. Violation of the ordinance is also subject to civil penalties pursuant to Section 162.09(2)(d), Florida Statutes. The Palm Beach County Special Master may impose fines that shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the Palm Beach County Special Master finds the violation to be irreparable or irreversible in nature. This ordinance shall apply in unincorporated and incorporated areas of Palm Beach County, subject to municipalities opting into the ordinance. A similar ordinance was passed in Duval County, FL. This ordinance is brought under the emergency enactment procedure in Section 125.66(3), Florida Statutes, with a waiver of the notice requirements of Section 125.66(2), Florida Statutes. The ordinance is anticipated to curtail projections onto buildings without the consent of the owner, including but not limited to hate speech, that constitutes a threat to the peace, good order and harmonious coexistence of many with diverse backgrounds and beliefs within Palm Beach County. Countywide (MM)

MARCH 14, 2023

5. PUBLIC HEARINGS – 9:30 A.M.

B. FINANCIAL MANAGEMENT AND BUDGET

1. Staff recommends motion to approve:

A) Resolution of the Board of County Commissioners of Palm Beach County, Florida Approving Fiscal Year 2023 Mid-Year Budget Amendments and Transfers; and

B) budget amendments and transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses. The total of the adjustments is an increase of \$201,655,924 in 168 funds.

SUMMARY: These budget amendments and transfers are necessary to adjust FY 2023 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2022. These amendments adjust the balances brought forward, various revenue, expenditure, and reserve accounts to their audited balances. For the General Fund, this amendment results in an increased fund balance of \$54,336,624. This adjustment is a result of:

- \$2,787,404 net increase in revenues, excess fees and commission refunds from Constitutional Officers and Judicial: Sheriff's Office \$4,132,143, Clerk and Comptroller \$591,050, Supervisor of Elections (\$3,108,160), Tax Collector \$172,059, Property Appraiser \$848,080, Judicial \$152,232;
- \$26,947,487 BCC department expenditures less than originally estimated and revenues higher than originally estimated;
- \$989,567 in general government expenses higher than originally estimated and FAA expenses less than originally estimated; and
- \$23,723,890 in major and other revenues higher than estimated.

These proposed adjustments result in an increase of \$53,481,415 in General Fund reserves. FY 2023 budget projections currently assume the additional fund balance will be used to balance the annual budget. Countywide (DB)

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MARCH 14, 2023

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to:

A) receive and file license agreement with Transit Village, LLC, dated December 21, 2022, for use of County-owned property, commonly known as the North County Block, for a period of 90 days, terminating on March 20, 2023; and

B) approve the First Amendment to license agreement for use of County-Owned Property extending the term of the license agreement with Transit Village, LLC until the premises are conveyed to University of Florida or earlier termination in accordance with the terms of the license agreement.

SUMMARY: On August 14, 2012, the County entered into an agreement for Purchase and Sale (R2012-1158, as amended thrice: R2018-0956; R2020-0517; and R2021-1587; collectively referred to as PSA) with Transit Village, LLC (TV) for the sale of a County-owned parcel of land at the southeast corner of Banyan Boulevard and Clearwater Drive, which is the current site of the County's Intermodal Transit Center (ITC Property). Pursuant to the PSA, TV is to construct a mixed-use development, including a parking garage on the ITC Property. The PSA further states that, if requested by TV, and provided same is available for use, the County shall provide TV a license agreement at no cost to use the North County Block for temporary use during construction. On August 23, 2022, the County entered into a Development and Conveyance Agreement (R2022-0891, DCA) with the University of Florida (UF) for the North County Block for the development and construction of the Urban Campus. At the time of approval of the DCA, the Board of County Commissioners (Board) directed County Staff to work with TV and UF towards facilitating a license agreement for temporary use of the North County Block as temporary parking for Tri-Rail patrons and Palm Tran employees. Because the North County Block is the subject of the DCA, UF's consent to the License Agreement was required and obtained. The license agreement is for a term of 90 days and was executed by the Director of Facilities Development and Operations Department in accordance with authority delegated under PPM# CW-L-023. The subject license agreement expires on March 20, 2023. Staff is seeking approval of the first amendment, which extends the term of the license agreement until such time as the North County Block is conveyed to UF pursuant to the DCA or earlier termination in accordance with the terms of this license agreement. (Property and Real Estate Management) District 2 (HJF)

MARCH 14, 2023

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS

2. Staff recommends motion to approve:

A) an agreement for purchase and sale of two 1.3 acre parcels of vacant land located north of Indiantown Road and east of Bee Line Highway from John Joseph Erhart for \$40,300 plus closing, title insurance and recording costs estimated to be \$550;

B) a Memorandum of Agreement with John Joseph Erhart;

C) an agreement for purchase and sale of a 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Modeline Gaspard and Jean Gaspard for \$20,150 plus closing, title insurance and recording costs estimated to be \$425;

D) a Memorandum of Agreement with Modeline Gaspard and Jean Gaspard;

E) an agreement for purchase and sale of a 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Susan Witonsky and Louis Witonsky for \$20,150 plus closing, title insurance and recording costs estimated to be \$425; and

F) a Memorandum of Agreement with Susan Witonsky and Louis Witonsky.

SUMMARY: On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcels owned by John Joseph Erhart (Erhart parcel), Modeline Gaspard and Jean Gaspard (Gaspard parcel), Susan Witonsky and Louis Witonsky (Witonsky parcel), are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Palm Beach Heights is an old, non-confirming subdivision and, as described in the County's "Report on Lack of Development Potential of Palm Beach Heights Parcels – April 2017," most of its parcels, including the subject parcels, cannot meet current land development regulations and are therefore, unbuildable.

MARCH 14, 2023

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS (cont'd.)

2. **SUMMARY (cont'd):** Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offers. The agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premiums, closing and recording costs estimated to be \$550 for the Erhart parcels, \$425 for the Gaspard parcel and \$425 for the Witonsky parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for any of the parcels due to their remote locations. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. **These acquisitions must be approved by a supermajority vote (5 Commissioners).** (Property & Real Estate Management) District 1 (HJF)

3. Staff recommends motion to approve:

A) a Spring Training Facility Funding Agreement (Funding Agreement) with the State of Florida, Department of Economic Opportunity (DEO) for the provision of \$50,000,000 of State funding under Fla. Sta. 288.11631 over a 25-year period towards the renovation of the Roger Dean Chevrolet Stadium (RDCS);

B) an Addendum to the Second Restated Sports Facility Use Agreement (Addendum) (R2022-0521) between the County, Jupiter Stadium Limited, Ltd.(JSL), the St. Louis Cardinals, LLC (Cardinals), and the Marlins Teamco, LLC (Marlins) providing for additional payments to be made by the Marlins and Cardinals to the DEO in the event of Missed Games(as defined therein);

C) Amendment No. 1 to the Developer Agreement (DA) (R2022-0520) between JSL and the County increasing the amount of the Project Proceeds to \$140,000,000 and establishing Non-Eligible Costs; and

D) Amendment No. 1 to the Second Restated Sports Facility Use Agreement (Restated SFUA) (R2022-0521) providing for the option of Semi-Annual Use Fee Payments.

MARCH 14, 2023

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS (cont'd.)

3. **SUMMARY:** In 1996, Palm Beach County (County) entered into a Developer Agreement (R96-879D, as amended) and a Sport Facility Use Agreement (R96-877D, as amended)(SFUA) with Jupiter Stadium, Ltd. (JSL) for the use and operation of Roger Dean Chevrolet Stadium (RDCS) and the adjacent two-team baseball training facilities, clubhouses, playing fields, on-site parking areas and related structures and improvements. RDCS serves as the spring training facility for the St. Louis Cardinals (Cardinals) and the Miami Marlins (Marlins) (collectively the Teams). Construction of RDCS was completed in 1998, therefore, the facility has now reached 25 years of age and requires renovations to ensure that it: 1) meets updated MLB standards, 2) provides accommodations comparable to the County's most recently built Ballpark of the Palm Beaches (BPPB), and 3) provides for a visitor experience that further solidifies spring training as a tourism generator. On December 17, 2019, the Board of County Commissioners (Board) approved a term sheet identifying key provisions of a Developer Agreement (DA) and a Restated Sports Facility Use Agreement (Restated SFUA) to facilitate the renovation of RDCS (Renovation Project), and authorized the County Administrator or designee to commence negotiations. Negotiations commenced as authorized by the Board but, in March 2020, had to be halted due to the detrimental effects that the COVID19 pandemic had on Bed Tax collections. In November 2021, JSL and the County reengaged in negotiations. On May 17, 2022, the Board Approved the Developer Agreement (DA) (R2022-0520) and the Second Restated Article 17 of the DA establishes as conditions precedent to the approval of the County Bond Resolution: 1) effectiveness of the DA; 2) HW Spring Training, LLC's (HW) written approval that the terms of the Restated SFUA are not more favorable than those contained in the First Restated Sports Facility Use Agreement between the County and HW dated October 20, 2015 (R2015-1523); 3) the written approval of the DA by the Office of the Commissioner of Baseball; and 4) the full execution and effectiveness of the Funding Agreement providing for 25 annual payments of \$2,000,000 each. The DA became effective as of its approval by the Board on May 17, 2022. HW and the Office of the Commissioner of Baseball have issued the corresponding letters (Attachments 6 and 7). Therefore, execution of the Funding Agreement is the remaining condition precedent prior to approval of the Bond Authorizing Resolution, which has been submitted as companion agenda item by the Office of Financial Management and Budget (OFMB) and which approval must be contingent to the approval of the items included in this agenda item. The Funding Agreement will take effect once fully executed by DEO. As a condition for approval of the Funding Agreement, DEO required JSL and the County to execute an Addendum to the Restated SFUA providing for additional payments to be made by the Marlins and Cardinals to the DEO in the event of Missed Games (as defined therein). Under the approved DA, the County is to issue Revenue Bonds in the amount of \$108,000,000 (which can be increased to \$126,000,000 by the Teams under certain circumstances) to fund the Renovation Project. The Renovation Project includes public, shared and private use improvements.

MARCH 14, 2023

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS (cont'd.)

3. **SUMMARY (cont'd.):** Debt service is to be paid through a combination of State proceeds under Fla. Sta. Sec. 288.11631, 1st/4th cent Bed Tax proceeds, and annual use fee contributions from JSL. The Teams have notified the County that the project cost has increased to approximately \$134M and as a result, have requested from the County to increase Project Proceeds to \$140M. Amendment No. 1 to the DA provides for the increase in the amount of Project Proceeds and identifies Non-Eligible Costs. The County's contribution for debt service on the Revenue Bond will be capped at \$75,100,000 and will be funded from the 1st/4th cent Bed Tax proceeds; no ad valorem funds are considered to fund the County's contribution towards debt service. JSL's contribution in the form of an annual use payment will be equivalent to the debt service on the Revenue Bond minus the aggregate value of the State and County contributions. Amendment No. 1 to the Restated SFUA provides the option for the Teams to issue semi-annual Use Fee Payments (instead of annual). Due to the unique nature of the State Funding Agreement, County staff notes the following contract provisions that differ from the County's standard language; 1) significant monetary penalties against the County payable to the State for failure of the County to provide required reports to the DEO or for knowingly making false representations in its reports or for failure to maintain the financial commitment to fund 50% to more of the renovation project or for material breaches of the State Funding Agreement; 2) to the extent allowed by law and without waiving immunity beyond the limits set forth in F.S. 768.28, the County agrees to indemnify the State and DEO including attorneys' fees; 3) the County agrees to venue in Leon County, Florida for any disputes; (FDO ADMIN) District 1/Countywide (MWJ)

MARCH 14, 2023

6. REGULAR AGENDA

B. FINANCIAL MANAGEMENT AND BUDGET

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing the issuance of not exceeding \$140,000,000 in total original aggregate principal amount of its public improvement revenue bonds (professional sports franchise facility project) in one or more series (the professional sports facility bonds) for the purpose of financing or refinancing, together with other legally available funds of the county, the acquisition, design, construction and equipping of capital renovations and improvements to Roger Dean Chevrolet Stadium and related facilities and paying certain costs related and incidental thereto; providing for the terms and payment of such professional sports facility bonds; providing for the rights, security and remedies of the holders thereof; making certain covenants and agreements in connection therewith; authorizing the use of a preliminary official statement, official notices of sale and summary notices of sale in connection with the public sale of such bonds; authorizing the Mayor or County Administrator to accept the best bids for the purchase of the professional sports facility bonds; authorizing the proper officials of the county to execute and deliver a certificate deeming the preliminary official statement "final" for purposes of securities and exchange commission rule 15c2-12; providing for certain continuing disclosure undertakings pursuant to such rule; appointing an initial paying agent and registrar; approving the form of and authorizing the execution of an official statement; authorizing the proper officials of the county to do all other things deemed necessary or advisable in connection with the issuance of the professional sports facility bonds; declaring the county's official intent to treat payments made by the teams to cover construction cost overruns of the project as an equity contribution; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** The County has identified the need for the acquisition, design, construction, development and equipping of the Roger Dean Chevrolet Stadium expansion and related facilities. The BCC approved the Roger Dean Chevrolet Stadium expansion at its May 17, 2022 meeting. These bonds will be issued at a not to exceed amount of \$140 million on a competitive basis. The debt service for the bonds' repayment will be Tourist Development Bed Taxes, State sales tax contribution of \$50,000,000 (\$2,000,000 per year for 25 years), and the teams' annual contributions. Countywide (DB)

MARCH 14, 2023

6. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Lake Worth Towers, by the Housing Finance Authority of Palm Beach County, Florida (the Authority) in the principal amount of \$30,000,000 (the Bonds). **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, rehabilitating and equipping a multifamily rental housing facility for the elderly containing approximately 195 units known as Lake Worth Towers (the Project). The Project is located at 1500 Lucerne Avenue in the City of Lake Worth Beach, Florida. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose household incomes do not exceed 60% of area median income (\$55,200 for a family of 4 for 30 years. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the Code) that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is Lake Worth Towers Preservation, L.P., a Florida limited partnership, or an affiliate thereof (the Borrower), and the developer is The Related Companies, L.P. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig, P.A. is Bond Counsel to the Authority with respect to the Bonds. RBC Capital Markets, LLC will be the underwriter or placement agent for the Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 3 (HJF)

MARCH 14, 2023

6. REGULAR AGENDA

D. ENGINEERING AND PUBLIC WORKS

1. Overview of Department of Engineering and Public Works presentation.

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

MARCH 14, 2023

7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT

1. Staff recommends motion to approve: the appointment of one member to the Environmental Appeals Board for a term of three years beginning March 14, 2023 to March 13, 2026.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY</u>
Hector A. Gambarrotti	3	Member	Gold Coast Builders Association

SUMMARY: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association; one member of the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one water resource professional employed by the South Florida Water Management District; and one drinking water engineer employed by the Department of Environmental Protection. The Board currently consists of three members. The current diversity count is: African-American: 1, Caucasian: 2. The current gender ratio (female:male) is 1:2. The applicant for appointment to Seat # 3, Hector Gambarrotti is recommended by the Gold Coast Builders Association. With this approval, the Board will consist of four members: one African-American (20%), two Caucasian (40%), one Hispanic-American (20%) and one vacant seat awaiting recommendations. The gender ratio (female: male) is 1:3. Countywide (HH)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

MARCH 14, 2023

8. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

MARCH 14, 2023

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY

MARCH 14, 2023

10. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

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 April 1, 2023 as Darrell K. Williams Day.

MARCH 14, 2023

11. MATTERS BY THE PUBLIC – 2:00 P.M.

* * * * *

MARCH 14, 2023

12. 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."