

January 14, 2025
9:00 am

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 14, 2025

<u>PAGE</u>	<u>ITEM</u>	
36	3X-1	* DELETED – staff pulled for further review (PSD)

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 (*).

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

JANUARY 14, 2025

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA** (Pages 7 - 39)

- 4. PUBLIC HEARINGS - 9:30 A.M.** (Pages 40 - 43)

- 5. REGULAR AGENDA** (Pages 44 - 48)

- 6. BOARD APPOINTMENTS** (Page 49)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to:

A) **ratify** a proposed City of Lake Worth Beach, formally known as the Town of Lake Worth (Town), ordinance amending its Firefighters' Pension Fund plan (Plan) to extend the current number of years allowed to participate in the Deferred Retirement Option Plan (DROP) from 60 to 96 months; and

B) **direct staff** to communicate to the Town the County's express written consent to the proposed Town ordinance amending the Plan.

SUMMARY: Pursuant to the Interlocal Agreement with the Town relating to the Plan, which covers County firefighters who were formerly employed by the Town, the County assumed the employer responsibilities under the Plan and the Town may not make any changes to the Plan without the express written consent of the County. The October 1, 2024 through September 30, 2027 Collective Bargaining Agreement (CBA) between the Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Incorporated and Palm Beach County (County), which was approved by the Board of County Commissioners, contained a Pension Article (Article 34) that, in Section 5, extended the maximum period for participation in the DROP for the City of Lake Worth Beach Firefighters' Pension Fund from 60 to 96 months to match the 2023 expansion of the DROP participation period already applicable to all employees participating in the Florida Retirement System. Countywide (MM)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

2. Staff recommends motion to:

- A) **ratify** a proposed Town of Lantana (Town) ordinance amending its Firefighters' Pension Fund plan (Plan) to extend the current number of years allowed to participate in the Deferred Retirement Option Plan (DROP) from 60 to 96 months; and
- B) **direct staff** to communicate to the Town the County's express written consent to the proposed Town ordinance amending the Plan.

SUMMARY: Pursuant to the Interlocal Agreement with the Town relating to the Plan, which covers County firefighters who were formerly employed by the Town, the County assumed the employer responsibilities under the Plan and the Town may not make any changes to the Plan without the express written consent of the County. The October 1, 2024 through September 30, 2027 Collective Bargaining Agreement (CBA) between the Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Incorporated and Palm Beach County (County), which was approved by the Board of County Commissioners (BCC) contained in Article 34 (titled Pension) Section 5 which extended the maximum period for participation in the DROP for the Lantana Firefighters' Pension Fund from 60 to 96 months to match the 2023 expansion of the DROP participation period already applicable to all employees participating in the Florida Retirement System. Countywide (MM)

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

A) review for sufficiency Report of County Officials Bonds dated January 2025; and

B) receive and file Report of County Officials Bonds dated January 2025.

SUMMARY: Ordinance No. 98-51 sets the various bond amounts for specified County officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners in January and June of each year. Countywide (DB)

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** the Fiscal Year 2025 sidewalk program. **SUMMARY:** Approval of the program will allow for the scheduling and construction of the proposed projects that have been compiled in response to requests and input from the Palm Beach County (County) Office of Community Revitalization, Palm Tran, Municipalities, the Palm Beach County Sheriff’s Office, the School District of Palm Beach County, and residents of the County. The proposed projects include nine (9) new construction projects and six (6) major maintenance projects. The total program cost is \$1,500,000 and is allocated among the following categories:

Major Maintenance	\$500,000
Non-School Related (New Construction)	\$837,340
School Related (New Construction)	\$30,400
Minor Maintenance & Support	\$132,260
<u>Total</u>	<u>\$1,500,000</u>

The sidewalk program supports areas without sidewalks that are not covered by our Five-Year Road Program, as some Five-Year Road Program major improvement projects do include sidewalk enhancements. The proposed list of projects for the program was previously sent to the Board of County Commissioners (BCC) for preliminary review by interoffice memorandum on November 21, 2024. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

2. Staff recommends motion to approve:

- A) a contract with R & D Paving, LLC (RDP) in the amount of \$1,132,110.70 with a contract time of 120 calendar days for the construction of Haverhill Road, south of Ceceile Avenue to north of Century Boulevard (Project); and
- B) a Budget Transfer of \$165,000 in the Road Impact Fee Zone 2 Fund and appropriate it to the Project.

SUMMARY: Approval of this contract and Budget Transfer will authorize the construction services necessary to widen Haverhill Road, provide a northbound right turn lane at Aloha Isles Drive, add paved shoulders, and construct a raised median. This Project was presented to the Goal Setting Committee on October 18, 2023 and the Committee established an Affirmative Procurement Initiative (API) of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 3% must be Minority Business Enterprise (MBE) participation for African American (AA) and/or Hispanic American (HA) owned firms. RDP committed to 78.75% SBE participation and 5.75% MBE participation. Bids for the contract were received by the Engineering and Public Works Department (EPW) on August 6, 2024. RDP was the lowest responsive bidder of four (4) bidders. The contract time for the Project is 120 calendar days. RDP has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program. District 2 (YBH)**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

3. Staff recommends motion to approve:

- A) a contract with R & D Paving, LLC (RDP) in the amount of \$647,632.40 with a contract time of 180 calendar days to construct the improvements to the intersection of Blue Heron Boulevard and Congress Avenue (Project); and
- B) a Budget Transfer of \$291,000 in the Road Impact Fee Zone 1 Fund and appropriate it to the Project.

SUMMARY: Approval of this contract and Budget Transfer will authorize the services necessary to construct a westbound to southbound left turn lane and modify the traffic signal to accommodate the new left turn lane. This Project was presented to the Goal Setting Committee on May 3, 2023 and the Committee established an Affirmative Procurement Initiative (API) of a 15% minimum mandatory Small Business Enterprise (SBE) participation. RDP committed to 63.3% SBE participation. Bids for the contract were received by the Engineering and Public Works Department (EPW) on July 23, 2024. RDP was the lowest responsive bidder of four (4) bidders after the Local Preference Ordinance was applied. The contract time for the Project is 180 calendar days. RDP has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program. District 7 (YBH)**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

4. **Staff recommends motion to approve:** Amendment No. 4 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) dated March 14, 2023 (Contract) with Wynn & Sons Environmental Construction Company, LLC (WSE) to increase the not to exceed amount of their Contract of \$26,200,000 by \$8,000,000 and add the Nongovernmental Entity Human Trafficking Affidavit to the Contract. **SUMMARY:** Approval of this amendment will increase the not to exceed amount of the WSE Contract of \$26,200,000 by \$8,000,000 to \$34,200,000, and add the Nongovernmental Entity Human Trafficking Affidavit. Section 1 of the Special Provisions in the Contract allows the parties to amend the Contract by mutual agreement to increase the not to exceed amount. The increase, as requested by the Parks and Recreation Department, is necessary to address deteriorating and aging infrastructure and safety related work in numerous park locations throughout Palm Beach County (County). Tasks in the amount of \$9,332,992 of WSE's \$26,200,000 Contract have been authorized for WSE. This Contract was presented to the Goal Setting Committee on August 3, 2022 and the Committee established an Affirmative Procurement Initiative (API) of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% must be Minority Business Enterprise (MBE) participation for African-American (AA) and/or Hispanic American (HA) owned firms. WSE agreed to 22.51% SBE participation of which 20.24% is MBE participation. To date, the overall SBE participation achieved for the Contract is 99.88%. The first amendment to the Contract (R2023-1839) dated December 19, 2023 modified pay items. The second amendment to the Contract (R2024-0428) dated May 7, 2024 extended the expiration date and recognized WSE's name change, and the third amendment to the Contract (R2024-0674) dated June 11, 2024 added technical special provisions. WSE has an office located in the County. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$55,000, in the personal injury action styled *Ralph Barquin and Carol Barquin v. Palm Beach County and Florida Department of Transportation*, Case No. 2023CA006998MB. **SUMMARY:** This is a personal injury lawsuit arising from Plaintiff stepping onto a broken cover of a utility pull box that occurred on January 7, 2021, approximately 90 feet north of the intersection of Congress Avenue and Collin Drive, on the westbound sidewalk, in West Palm Beach, Florida. The accident resulted in personal injuries to Mr. Barquin, including total medical bills of approximately \$52,989. Palm Beach County has entered into an agreement to settle the lawsuit in the total amount of \$55,000, inclusive of attorney's fees and costs, pending approval by the Palm Beach County Board of County Commissioners (BCC). Countywide (AMP)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:
 - A) Assignment of the Village of Palm Springs' (Village) funds from the Opioid Litigation Settlements to Palm Beach County; and
 - B) Budget Amendment in the Opioid Settlement Fund in the amount of \$35,924 to recognize the transfer of the Village's Opioid Settlement funds to the County.

SUMMARY: Under the Florida Opioid Allocation and Statewide Response Agreement (Agreement), the Village is allocated \$160,674 over an 18-year period. The Village has determined that it cannot effectively undertake an eligible program/activity that will abate the opioid epidemic and that its residents would be better served through the strategies and initiatives outlined in the Palm Beach County Behavioral Health and Substance Use Disorder Plan 2024 and implemented by the County and its partners. Palm Beach County will add the Village's funding allocation to the Fiscal Year 2025 Opioid Settlement Fund categorical expenditure plan, which was approved by the Board of County Commissioners (BCC) on October 22, 2024. The Budget Amendment of \$35,924 represents the Village's first three (3) installments of their allocation. Future installments will be budgeted annually as part of the County's budget process. Countywide (HH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

- A) a Budget Transfer in the amount of \$191,000 in the Housing and Economic Development Fund to increase the budget for the Belle Glade Intake and Assessment Center Renovations project;
- B) a Budget Amendment of \$191,000 in the Public Building Fund to recognize the transfer from the Housing and Economic Development Fund; and
- C) Amendment No. 1 to the continuing Construction Manager (CM) at Risk Services contract (R2023-0141) with Waypoint Contracting Inc. (Waypoint), establishing a Guaranteed Maximum Price (GMP) in the amount of \$712,941.02 for the Belle Glade Intake and Assessment Center Renovations project, Phase 1, for a period of 150 calendar days from notice to proceed.

SUMMARY: On February 7, 2023, the Board of County Commissioners (BCC) approved the continuing CM at Risk Services contract (R2023-0141) with Waypoint for construction management services for various federally funded projects. The Belle Glade Intake and Assessment Center is in need of renovations to better serve individuals and families experiencing homelessness in the western region. Project renovations include, but are not limited to, exterior enhancements, interior enhancements and the replacement of the existing building systems that have outlived their useful life. These renovations will improve public access to the facility, harden the facility to provide better weather protection and allow the facility to be in compliance with Americans with Disabilities Act (ADA) and current Building Code requirements. Task Order No. 1 authorized the preconstruction services for the Belle Glade Intake and Assessment Center Renovations project. Amendment No. 1 establishes a GMP in the amount of \$712,941.02 for construction management services necessary for the Belle Glade Intake and Assessment Center Renovations project, Phase 1. The Belle Glade Intake and Assessment Center Renovations project, Phase 1 includes, but is not limited to, windows and doors replacement, reinforcement work, masonry infill, exterior painting, stucco, structural reinforcement of the building pilings and exterior slabs, asphalt paving, fencing, and parking lot lighting. The CM will have 150 calendar days from notice to proceed to substantially complete the construction phase of 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.

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **SUMMARY (cont'd.):** The continuing CM at Risk Services contract was selected through a competitive solicitation in accordance with the federal requirements. This continuing CM at Risk Services contract is exempt from the County's Equal Business Opportunity Ordinance pursuant to section 2-80.22 thereof. The work was competitively solicited by Waypoint utilizing the federal requirements provided by the Department of Housing and Economic Development (DHED). Under the federal requirements, this project has an established Equal Employment Opportunity (EEO) goal of 22.4% minority participation and 6.9% is female participation. The CM anticipates an EEO utilization of 47.01% minority participation and 3.98% female participation for the Belle Glade Intake and Assessment Center Renovations project, Phase 1. Funding for this project is from the Public Building Improvement Fund and Housing and Economic Development Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

2. Staff recommends motion to approve: continuing contracts with the following three (3) firms to provide architectural services on an as needed basis through January 14, 2030.

<u>Consultants</u>	<u>Status</u>	<u>SBE or Non- SBE</u>
A) Colome & Associates, Inc.	Local	SBE
B) Song & Associates, Inc.	Local	Non-SBE
C) Zyscovich, LLC	Non-Local	Non-SBE

SUMMARY: The purpose of these continuing contracts is to pre-select consultants to provide architectural and engineering services for capital improvement or renovation projects countywide. The projects to be assigned will have a construction value not to exceed \$7,500,000 or study activity not to exceed \$500,000. Consultant fees will be negotiated on an individual task basis for the identified projects. These contracts will be for five (5) years. This continuing contract was solicited pursuant to the requirements of the Equal Business Opportunity Ordinance. This continuing contract was presented to the Goal Setting Committee on May 15, 2024, and the Committee established Affirmative Procurement Initiatives (APIs) of a 25% mandatory Small Business Enterprise (SBE) subcontracting goal on the contract and a Minority Business Enterprise (MBE) evaluation preference for African American (AA) owned firms up to 15 points. Colome & Associates, Inc. committed to 99% SBE participation, of which 36% is AA owned firms, Song & Associates Inc. committed to 52% SBE participation, of which 37% is AA owned firms and Zyscovich, LLC committed to 39% SBE participation, of which 35% is AA owned firms. S/M/WBE actual participation will be identified on each consultant services authorization (CSA), and will be tracked cumulatively over all CSAs issued under the contract. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

3. Staff recommends motion to approve: annual contracts with the following contractors for general minor construction services on an as-needed basis through January 13, 2030.

<u>Contractors</u>	<u>Status</u>	<u>SBE or Non- SBE</u>
A) Critical Path Construction, LLC	Local	S/MBE
B) Gneiss, Corporation	Local	S/MBE
C) Lebolo Construction Management, Inc.	Local	S/MBE

SUMMARY: The purpose of this annual contract is to pre-qualify contractors to provide minor construction services on an as-needed basis. The work consists of minor construction services associated with repairs, improvements and renovations to County owned properties. The specific requirements of the work shall be determined by individual work orders issued against this annual minor construction services contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$15,000,000 across all prequalified contractors. 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 minor construction services contract before the term ends. Projects less than \$150,000 are bid among the pool of prequalified contractors. Projects \$150,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of pre-qualified contractors while projects \$200,000 or greater are additionally advertised in the newspaper. The bidding pool is further expanded, for projects \$150,000 or greater, to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. Currently three (3) contractors are prequalified. The annual minor construction services contract was presented to the Goal Setting Committee on October 2, 2024 and the Committee established Affirmative Procurement Initiatives of 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 single trade projects or a minimum mandatory 25% SBE subcontracting goal for multi-trade projects. Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be tracked cumulatively for all work orders issued. (Capital Improvements Division) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

4. Staff recommends motion to approve: annual contracts with the following contractors for heating, ventilation & air conditioning (HVAC) services on an as-needed basis through January 13, 2030.

<u>Contractors</u>	<u>Status</u>	<u>SBE or Non- SBE</u>
A) Advanced Roofing, Inc. dba Advanced Air Systems	Local	Non-SBE
B) Cedars Electro-Mechanical, Inc.	Local	SBE

SUMMARY: The purpose of this annual contract is to pre-qualify contractors to provide HVAC services on an as-needed basis. The work consists of HVAC services related to system and component installations, upgrades, replacements, modifications and repair to County owned properties. The specific requirements of the work shall be determined by individual work orders issued against this annual HVAC services contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$15,000,000 across all prequalified contractors. 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 services contract before the term ends. Projects less than \$150,000 are bid among the pool of prequalified contractors. Projects \$150,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of pre-qualified contractors while projects \$200,000 or greater are additionally advertised in the newspaper. The bidding pool is further expanded, for projects \$150,000 or greater, to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. Currently two (2) contractors are prequalified. The annual HVAC services contract was presented to the Goal Setting Committee on October 2, 2024 and the Committee established an Affirmative Procurement Initiative of 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. Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be tracked cumulatively for all work orders issued. (Capital Improvements Division) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BCC) OF PALM BEACH COUNTY, FLORIDA; APPROVING THE ISSUANCE OF HOUSING FINANCE AUTHORITY (AUTHORITY) OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE BONDS IN THE NOTICED PRINCIPAL AMOUNT OF \$26,000,000 FOR WATERVIEW APARTMENTS. **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility for the elderly containing approximately 140 units to be known as Waterview Apartments at Mangonia Park (Project). The Project will be located at the northeast corner of the intersection of S. Tiffany Drive and W. Tiffany Drive, in the Town of Mangonia Park. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose average household incomes do not exceed 60% of area median income (\$64,260 for a family of four (4) for 2024). The Borrower is Waterview Partners, LLLP, a Florida Limited Liability Limited Partnership, or an affiliate thereof (Borrower), and the developer is Sun Foundation, The Borrower has agreed to comply with these limitations for at least 40 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 (Code). 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. R4 Capital Funding LLC, or an affiliate thereof (Purchaser) will be the purchaser of the Bonds. Housing Bond Loan Program funding of \$7,870,000 and Housing Initiatives Program funding of \$5,130,000 was also awarded to this project on October 22, 2024 to be used towards permanent financing. 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 (IRS), the Securities and Exchange Commission or other regulatory body.

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

1. **SUMMARY (cont'd.):** 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 (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the IRS 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 7 (HJF)

2. **Staff recommends motion to receive and file:** a Code Enforcement Agreement (Agreement) with the Town of Mangonia Park (Town), funded under Fiscal Years (FY) 2023-2024 and 2024-2025 Community Development Block Grant (CDBG) Program, in the amount of \$21,618.61, for the period October 1, 2024 to September 30, 2025. **SUMMARY:** The Town's remaining CDBG balance of \$8,557.61 under FY2023-2024 Code Enforcement activities has been combined with \$13,061 under FY2024-2025, for a total allocation of \$21,618.61 towards salary and benefits of one (1) full-time Code Enforcement Officer to facilitate activities, including but not limited to, investigation and enforcement for blight prevention and public safety within the proposed CDBG target area (Target Area) bound by Hill Avenue on the north; East Avenue and Australian Avenue on the east; Embarcadero Drive on the west and the municipal boundaries of the City of West Palm Beach on the south and east sides. The CDBG Agreement has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development (DHED) in accordance with R2023-1013 as approved by the BCC on July 11, 2023 and R2024-0828 as approved by the BCC on July 2, 2024 that delegated authority to the County Administrator or designee to execute forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Palm Beach County Action Plan, CDBG, HOME Investment Partnerships Program and Emergency Solution Grant activities. County PPM CW-O-051 provides that all contracts, agreements and grants signed with delegated authority must be submitted by the initiating department as a receive and file agenda item. **These are Federal CDBG funds which do not require a local match.** District 7 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

3. Staff recommends motion to receive and file: An Assistance Amendment (Amendment) to the Cooperative Agreement (Agreement) (R2014-0058) with the U.S. Environmental Protection Agency (EPA), providing for a 24-month time extension. **SUMMARY:** On January 14, 2014, the Board of County Commissioners (BCC) entered into an Agreement with the EPA, with subsequent amendments, to receive \$1,400,000 to establish the County's Brownfields Revolving Loan Fund (BRLF) program, with an initial performance period of five (5) years. The BRLF program offers financial assistance to qualified borrowers and subgrantees to cleanup brownfield sites. To date, Housing and Economic Development (DHED) has funded two (2) projects and expended \$954,949, with \$445,051 remaining. The program has generated \$386,859 from loan repayments and interest earned, which is also available for cleanup activities that meet EPA requirements. This Amendment provides 24 additional months for the County's BRLF program, from October 1, 2024 to September 30, 2026, to allow time to complete EPA BRLF work plan goals. **No County funds are required for this Amendment. Applicants (borrowers or subgrantees) requesting BRLF financial assistance to cleanup Brownfield sites are required to provide a 20% match.** Countywide (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

4. **Staff recommends motion to receive and file:** Amendment 001 to CDBG Economic Development Agreement (Agreement) (R2024-1423) with the Center for Technology, Enterprise and Development, Inc. (TED Center) for \$300,000 to provide economic development services, funded under Fiscal Years (FY) 2019-2020, 2020-2021 and 2024-2025 Action Plan for the Community Development Block Grant (CDBG) Program. **SUMMARY:** The Agreement (R2024-1423) with TED Center provides \$300,000, which includes a one-time increase of \$50,000 in CDBG funds. The total allocation of \$300,000 is funded under FYs 2019-2020, 2020-2021 and 2024-2025 as approved by the Board of County Commissioners (BCC) during the budget process, to assist with operational expenses for the development and expansion of small businesses and microenterprises (defined as commercial enterprises that have five (5) or fewer employees). Amendment 001 is required to modify the Agreement to include the specific grant numbers with respective fiscal years and funded amounts for the total allocation of \$300,000 in CDBG funds. The grant numbers and fiscal years with funded amounts are as follows:

1. Grant number B-19-UC-12-0004 under FY2019-2020 providing \$21,478.69;
2. Grant number B-20-UC-12-0004 under FY2020-2021 providing \$28,521.31; and
3. Grant number B-24-UC-12-0004 under FY2024-2025 providing \$250,000.

Amendment 001 has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Development in accordance with R2019-0979 as approved on July 2, 2019, R2020-0926 as approved on July 12, 2020, and R2024-0828 as approved on July 2, 2024 that delegated authority to the County Administrator or designee to execute forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Palm Beach County Action Plan, CDBG, HOME Investment Partnerships Program and Emergency Solutions Grant activities. County PPM CW-O-051 provides that all contracts, agreements and grants signed with delegated authority must be submitted by the initiating department as a receive and file agenda item. **These are Federal CDBG funds which do not require a local match.** Countywide (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

5. **Staff recommends motion to adopt:** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE IN THE USE OF THE PROCEEDS OF THE PREVIOUSLY ISSUED \$19,315,100 PALM BEACH COUNTY EDUCATIONAL FACILITIES AUTHORITY REVENUE BOND (LYNN UNIVERSITY, INC.), SERIES 2016 AND THE PREVIOUSLY ISSUED \$48,095,000 PALM BEACH COUNTY EDUCATIONAL FACILITIES AUTHORITY REFUNDING REVENUE BONDS (LYNN UNIVERSITY, INC. PROJECT), SERIES 2023, IN CONNECTION WITH THE SALE OF THE MARY AND HAROLD PERPER RESIDENCE HALL THAT WAS FINANCED AND REFINANCED WITH THE PROCEEDS OF SUCH BONDS. **SUMMARY:** The Palm Beach County Educational Facilities Authority (Authority) issued the 2016 Bond on April 13, 2016, and loaned the proceeds thereof to Lynn University, Inc., a Florida non-profit corporation and a tax-exempt organization (Borrower), to assist the Borrower in financing the cost of capital expenditures at the Borrower's educational facilities campus located at 3601 North Military Trail, Boca Raton, Florida and bounded by Military Trail to the east, Potomac Road to the south, and canals of the Lake Worth Drainage District on the north (adjacent to the Millpond community near St. Andrews Boulevard and NW 34th Street) and west (adjacent to the St. John Paul II Academy at 4001 North Military Trail) (University Campus), including the cost of constructing a residential student housing facility comprised of approximately 170 beds and various related amenities and improvements that are commonly known as the "Mary and Harold Perper Residence Hall" (Perper Hall). All assets financed with the 2016 Bond were owned and operated by the Borrower. The 2016 Bond was refunded on February 28, 2023 by the Authority's 2023 Refunding Bond. On June 14, 2024, Provident Group - LU Properties II LLC (Lessee), a Florida limited liability company whose sole member is Provident Resources Group, Inc., a Georgia non-profit corporation and a tax-exempt organization, acquired the Perper Hall improvements in a sale exclusively for cash for a fair market price of \$16,400,000 pursuant to a Ground Lease dated as of June 14, 2024, between the Borrower and the Lessee, under which the Lessee will own and operate Perper Hall for a term of approximately 45 years, after which the ownership of such improvements will revert to the Borrower. The Borrower plans to use the proceeds of the sale of the Perper Hall improvements in the amount of \$16,400,000, as follows: \$8,000,000 to repay a portion of the 2023 Refunding Bonds used in part to refinance a portion of the 2016 Bond that originally financed Perper Hall, and \$8,400,000 to acquire and construct new baseball and softball facilities and install new turf at the Bobby Campbell Stadium within two (2) years of June 14, 2024 (New Facilities), all of which will be located on the University Campus and will be owned and operated by the Borrower.

3. CONSENT AGENDA APPROVAL

I. HOUSING & ECONOMIC DEVELOPMENT

5. **SUMMARY (cont'd.):** The Authority held a public hearing on March 28, 2016, with respect to the original 2016 Bond pursuant to Section 147(f) of the Internal Revenue Code of 1986, but no public hearing was required with respect to the 2023 Refunding Bonds. The proceeds of the sale of Perper Hall are considered proceeds of the Bonds. The New Facilities were not included in the original public hearing held by the Authority with respect to the 2016 Bond, consequently, a new public hearing and new approvals of the Authority and the BCC of Palm Beach County, Florida, are required regarding the change in the use of the proceeds of the Bonds. A notice of public hearing was published in the Palm Beach Post at least seven (7) days before the date of the new public hearing, which was held by the Authority on December 13, 2024. The Authority also approved the change in the use of the proceeds of the Bonds and the financing of the New Facilities with the proceeds of the sale of Perper Hall. Approval by an elected body is required by the Internal Revenue Code in the form of this proposed Resolution; however, adoption of this Resolution does not in any way obligate the County. 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 County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other organization. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and will retain adequate records of such compliance until at least three (3) 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 shall be pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 4 (DB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: Two (2) executed Standard Potable Water and Wastewater Development Agreements, one (1) Memorandum of Understanding Regarding Reclaimed Water Service Direct System, one (1) Standard Reclaimed Water Development Agreement, and one (1) Standard Reclaimed Water Service Agreement Direct System, for the months of August and September 2024.

A) Standard Potable Water and Wastewater Development Agreement with Illumina Delray LP, SDA #09-01107-000 (District 5), Recorded in OR BK 35239 PG 719;

B) Standard Potable Water and Wastewater Development Agreement with Hatzlacha-WP Holdings, LLC, SDA #05-11141-000 (District 6), Recorded in OR BK 35239 PG 728;

C) Memorandum of Understanding (MOU) Regarding Reclaimed Water Service Direct System with Palm Beach County Facilities Development and Operations Department, MOU #05-90030-000 (District 5);

D) Standard Reclaimed Water Development Agreement with Amicus Realty Holdings LLC, SDA #05-90031-000 (District 5), Recorded in OR BK 35294 PG 1977; and

E) Standard Reclaimed Water Service Agreement Direct System with Amicus Realty Holdings LLC, SRWSA #05-90031-000 (District 5), Recorded in OR BK 35294 PG 1985.

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

2. Staff recommends motion to approve:

- A) Contract with Parsons Environment & Infrastructure Group Inc. (Parsons), and
- B) Contract with CES Consultants, Inc. (CES) for Consulting/Professional Services Capital Improvement Plan Program Management.

SUMMARY: The Contracts will provide consulting/professional services to assist with the implementation of the Palm Beach County Water Utilities Department (PBCWUD) 2025-2029 Capital Improvement Plan (CIP). The five (5) year CIP includes new capital projects and repair and replacement projects that are being developed as part of the PBCWUD Asset Management Program. The water/wastewater infrastructure improvement projects included in the CIP have an estimated value in excess of \$860 million. The Contracts have a term of three (3) years with two (2) one (1) year renewal options. The Contracts were presented to the Goal Setting Committee (Committee) on March 29, 2024, and the Committee established an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation and up to 15 Evaluation Preference Points for participation by certified African American (AA) owned firms. Parsons and CES have met the established API for this Contract. Parsons committed to 26% SBE participation which includes 23% MBE (AA). CES committed to 32% SBE participation which includes 29% MBE (AA). Parsons is headquartered in Chantilly, Virginia and CES is headquartered in Miami, Florida. Most members of the project team for both Parsons and CES will be co-located with PBCWUD staff at the Central Region Operations Center from which the majority of the work required will be undertaken. (PBCWUD Project No. 23-035) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) receive and file Florida Inland Navigation District (FIND) Project Agreement No. PB-24-227 (Agreement) for \$57,750 for the Old Bridge Park Dock Replacement Project expiring September 30, 2026; and

B) approve a Budget Amendment in the Manatee Fund for \$57,750 to recognize the revenue from the FIND Agreement No. PB-24-227.

SUMMARY: On May 7, 2024, the Board of County Commissioners (BCC) approved a resolution for funding assistance for the Waterways Assistance Program (WAP) Grant Application to fund up to \$57,750 and authorized the County Administrator, or designee, to execute the Agreement, to sign all future time extensions and other forms associated with this Agreement. The Agreement contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. There is no indemnification from FIND. The Risk Management Department and County Attorney's Office have reviewed the indemnification requirements for this grant and advised staff accordingly. Given that the County's liability is limited to the statutory caps of Section 768.28, Florida Statutes, and taking into consideration that FIND is providing grant funding to the County under this Agreement, staff recommends BCC approval. The total cost of the Project is \$275,654.98. The County has provided a match in the amount of \$17,905.98, representing a 6.5% cost-share for the design of the Project. The County was awarded \$199,999 in grant funding from the Florida Fish and Wildlife Conservation Commission (FWC), approximately 73% of the total Project cost (agreement pending). 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. **There is no cost to the County associated with this item.** Districts 2 & 7 (SS)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** an Agreement with the Parks Foundation of Palm Beach County, Inc. (Foundation) to provide philanthropic support to the Parks and Recreation Department (Parks). **SUMMARY:** The Foundation is a Florida not-for-profit corporation established in 2023 for the exempt purpose of promoting and advancing advocacy and philanthropic support to ensure thriving and accessible County parks to improve the quality of life for all current and future residents of Palm Beach County. The Foundation's board of directors is comprised of community volunteers as outlined in their by-laws. Parks will annually provide a list of smaller, noncapital park projects benefitting the public and otherwise underfunded for Foundation philanthropic consideration. Proposed projects will focus on enhancing parks and their accessibility. The Foundation will select which projects to pursue for philanthropic support from the list provided by Parks. Parks will continue to follow all applicable County policies in the acceptance of the philanthropic support. The Foundation will also be eligible to seek and apply for park and recreation related donations and grants only available to 501(c)(3) organizations for the benefit of the public parks and recreation programs. Parks will continue to manage all operations of funded park projects and programs. Parks will provide an office space for the Foundation to utilize when needed. Countywide (AH)

2. **Staff recommends motion to receive and file:** an executed Standard Amphitheater Rental Agreement (Agreement) with the Alzheimer's Disease and Related Disorders Association, Inc., for the Walk to End Alzheimer's Event at Sunset Cove Amphitheater, for the period of November 8, 2024 through November 10, 2024. This event generated \$3,943 in revenue, with \$1,561 in direct expenses; thus providing a net fiscal impact of \$2,382. **SUMMARY:** This Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department (Parks) in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166. Parks 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)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

3. **Staff recommends motion to receive and file:** an executed Standard Sound and Light Production Service Contractor Agreement with Sanderford Sound, Inc. (Agreement), in an amount not to exceed \$3,180 for the Boca Blues Festival at Sunset Cove Amphitheater for a period of November 15, 2024 through November 17, 2024. **SUMMARY:** This Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department (Parks) in accordance with Resolution 2009-0592, amended by Resolutions 2010-0645, 2014-0167, 2017-1368 and 2018-0179. Parks 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)

4. **Staff recommends motion to approve:** a Memorandum of Agreement (MOA) with the Children's Services Council of Palm Beach County (CSC) to provide funding in an amount not to exceed \$20,000 for processing fees associated with American Red Cross (ARC) lifeguarding and water safety instructor certification courses taught by the Parks and Recreation Department's (Parks) certified lifeguard instructors for the period of January 14, 2025 through September 30, 2026. **SUMMARY:** Parks' Aquatics Division provides ARC lifeguarding and water safety certification courses to the public. 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 \$20,000, within 30 days of receipt of written request for funds as outlined in the MOA. This MOA requires the County to offer one (1) lifeguarding course every month and one (1) water safety instructor course bi-monthly, through September 30, 2026. Countywide (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: Appointment of Mike Atchison to the Agricultural Enhancement Council (AEC) to fill a currently vacant position, for the term of January 14, 2025 to March 13, 2026.

Appointment

Mike Atchison

Category, Seat Number

Agricultural Reserve agricultural producer and land owner, Seat 1

SUMMARY: The Agricultural Economic Development Program requires direct input from the agricultural industry. Based on Resolution No. R2014-0303, nine (9) members are nominated by either specific agricultural enterprises or by the Palm Beach County Extension Department to represent a cross section of agriculture-related sectors on the Agricultural Enhancement Council (AEC). One (1) nomination is being submitted at this time for approval by the Board of County Commissioners (BCC). Staff is requesting appointment of one (1) member to fill a vacancy. The current diversity count is Caucasian: 7 (87.5%), Hispanic: 1 (12.5%). The current gender ratio (male:female) is 7:1. The new member appointment Mike Atchison is Caucasian male), and his nomination was unanimously approved by the AEC on September 11, 2024. Staff is actively seeking to increase diversity on this board and will continue to encourage this to expand this Board's diversity. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

- A) **ratify the Mayor's signature** on a Grant Agreement #24-2206-156538-CJ for the John D. and Catherine T. MacArthur Foundation's (Foundation) Safety and Justice Challenge (SJC) Capstone in the amount of \$234,000 beginning on October 1, 2024 through September 30, 2026, to fund existing strategies to safely reduce Palm Beach County's jail population and reduce ethnic and racial disparities within the average daily jail population (ADP);
- B) **approve** a Budget Amendment of \$234,000 in the MacArthur Foundation Safety and Justice Challenge Fund to recognize grant funding from the Foundation;
- C) **approve** a Budget Amendment of \$43,000 in the General Fund to recognize a transfer of grant funding from the Foundation to Public Safety; and
- D) **authorize** the County Administrator or designee to execute any amendments, reports, and documents relating to this agreement on behalf of the Board of County Commissioners (BCC), after approval of legal sufficiency by the County Attorney's Office and within budgeted allocations that do not substantially change the scope of work, terms or conditions of the documents.

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. **SUMMARY:** On October 1, 2024, the County was awarded a Capstone grant of \$234,000 from the Foundation to continue criminal justice system reform work through funding 1) SJC Coordinator (two (2) years); 2) continuation of the Pretrial Services position for supervision of the Supervised Own Recognizance levels (two (2) years); 3) continuation/expansion of the Text **Reminder** System (two (2) years); 4) continuation of the community engagement model project through collaborations with law enforcement agencies, Criminal Justice Commission (CJC) board orientation, reconnect and assess regional sites, capacity building, and committee dialogues (one (1) year); and 5) continuation of Public Defender's Pretrial Client Release Project with rapid housing, peer mentoring, and supportive services (one (1) year). The two (2) salaried positions are fully funded through the SJC grant through September 30, 2025. Two (2) supplemental budget requests to use existing funds from other funding sources will be submitted by the CJC and Public Safety Justice Services Division for the remaining portion of the salaries estimated at \$91,500 to provide coverage through September 30, 2026. If grant funding ceases, the positions will be deleted unless permanent funding is approved. The grant agreement was executed on December 2, 2024, pursuant to the delegated authority contained in R2017-0914, after review by the County Attorney. **County cash matching funds of \$91,500 are required for the salaries of the SJC Coordinator and Pretrial Services position for supervision. The match will be provided by the CJC and Public Safety Justice Services Division.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to authorize:

- A) County Administrator or designees to act as a County representative or Authorized Official to make or approve necessary changes and updates to Fire Rescue's participation in the Medicare Program and related documents, during the current revalidation period through January 2027; and
- B) County Administrator or designees to act as a County representative or registered agent to make or approve necessary changes and updates to Fire Rescue's participation in the Medicaid Program and related documents, during the current revalidation period through March 2026.

SUMMARY: This item updates the Authorized Official and registered agent as the County representative on the Centers for Medicare and Medicaid Services and State of Florida Agency for Health Care Administration websites. Allowing for the appointment of Authorized Official and registered agent, will ensure the County (Fire Rescue) will remain up to date on all necessary changes or updates in the Medicare and Medicaid Programs, and to bind and commit the County to fully abide by the statutes, regulations, and program instructions of each respective program, until the next revalidation period. The enrollment allows Palm Beach County Fire Rescue to successfully submit claims directly to Medicaid and Medicare for those patients with Medicaid and Medicare Insurance. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

2. Staff recommends motion to:

- A) **approve** a Letter of Understanding (LOU) with Treasure Coast Health Council, Inc., dba Health Council of Southeast Florida (HCSEF), to provide Mobile Integrated Health services to support opioid-related prevention components of the Center for Disease Control (CDC) Overdose Data to Action (OD2A) cooperative agreement awarded to the Florida Department of Health Palm Beach County, for a period of one (1) year commencing retroactively on December 1, 2024 through November 30, 2025, with a cost reimbursement not-to-exceed amount of \$200,000;
- B) **approve** a Budget Amendment of \$200,000 within the Fire/Rescue MSTU Fund to recognize the award and establish budget for the program; and
- C) **authorize** the County Administrator, or designee, to accept, approve, execute and submit, on County's behalf the LOU, representations, certifications, acknowledgments, assurances, standard forms and documents, reimbursement requests, amendments, time frame changes, program change requests, and any other necessary documents, that do not materially change the general scope of terms and conditions of the LOU.

SUMMARY: HCSEF is administering the CDC OD2A cooperative agreement awarded to the Florida Department of Health Palm Beach County. Under the LOU, Palm Beach County Fire Rescue (PBCFR) will receive funding for existing Community Paramedics, telehealth and field based intervention to support opioid-related prevention components of the OD2A cooperative agreement on a cost reimbursement basis up to \$200,000 with **no County match required**. This funding will allow PBCFR's Mobile Integrated Health team to expand services to the community for opioid related prevention and outreach. The LOU provides for two (2) renewal options, each for a period of one (1) year. Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: a Research Agreement by and between Palm Beach County (PBC) Board of County Commissioners (BCC) and the University of South Florida (USF) Board of Trustees for PBC to provide \$451,978 of funding for acquisition of Light Detection and Ranging (LiDAR) for the entire land area of Palm Beach County. **SUMMARY:** Funding the acquisition of LiDAR data through this Research Agreement will save PBC \$155,522 relative to PBC solely procuring the LiDAR. Time is of the essence as the best weather conditions for LiDAR acquisition is January and February. During the finalization of specifications in September 2024, PBC was informed of the opportunity for funding from the U.S. Geological Survey (USGS) Fiscal Year 2025 3D National Topography Model Data Collaboration for acquiring LiDAR data meeting the USGS Quality Level 1 (QL1) standards. PBC applied for this funding as PBC's LiDAR requirements are complementary with USGS requirements. For the State of Florida the USGS LiDAR funding is administrated through the USF's Florida Flood Hub for Applied Research and Innovation (Florida Flood Hub). In late December, PBC received the required documents for submittal to the Florida Flood Hub. The vendor cost for acquiring QL1 LiDAR data is \$607,500. Obtaining the LiDAR through the Florida Flood Hub will reduce the cost to PBC to \$451,978, resulting in a savings of \$155,522. The scope of this work is limited to the acquisition of the raw LiDAR data. PBC has budgeted for the remaining cost of processing the LiDAR data. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. ~~Staff recommends motion to approve:~~ First Amendment to the Contract for Professional Services with Dr. Marc Kramer for relief veterinary services to increase the hourly rate by \$50 per hour for a new hourly amount of \$200 retroactive to January 7, 2025. **SUMMARY:** The County entered into a Contract for Professional Services (R2023-1801) with Dr. Kramer on December 5, 2023, which provided for three (3) automatic annual renewals. The Contract automatically renewed on December 5, 2024. Dr. Kramer's services are primarily utilized to spay/neuter large, at-risk dogs. This Amendment will increase Dr. Kramer's hourly rate by \$50 per hour for a new hourly rate of \$200 per hour. This change will offset Dr. Kramer's travel time and fuel expenses for movement to and from Miami and matches the hourly rate that he receives as relief veterinarian for Miami-Dade County. The increase will be retroactive to January 7, 2025. This Amendment does not increase the total contract amount of \$124,800. This Contract is estimated to provide services to 1,500 animals per year. Countywide (SF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

- A) **adopt** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, approving a Public Transportation Grant Agreement (PTGA) in Public Transit Corridor Development Program funding (CSFA 55.013) with the State of Florida Department of Transportation (FDOT), providing a grant in the amount of \$600,000 for the Okeechobee Blvd High Frequency Service. This PTGA will become effective upon FDOT execution with an expiration date of December 31, 2029;
- B) **approve** a Budget Amendment of \$600,000 in Palm Tran's Grant Fund 1341 to recognize the grant award and the corresponding transfer to Palm Tran's Operating Fund 1340;
- C) **approve** a Budget Transfer of \$600,000 to increase transfer to Palm Tran's Operating Fund 1340 from Palm Tran's Grant Fund 1341 and to reduce the transfer from General Fund 0001; and
- D) **approve** a Budget Transfer of \$600,000 to increase the General Fund 0001 Contingency Reserves and to reduce the transfer to Palm Tran's Operating Fund 1340.

SUMMARY: On November 19, 2024, FDOT allocated funding to Palm Tran through the Transit Corridor Development Program to pilot high frequency service along Okeechobee Boulevard. This pilot program will enhance the ridership experience with shorter headways during high demand hours. This PTGA, in the amount of \$1,200,000, **requires a match of 50% or \$600,000** and provides a grant in the amount of \$600,000. The match is included in Palm Tran's operating budget. The grant requires broader indemnification by the County than that approved by PPM CW-F-049. The grant requires the County and its officers, agents, or employees to indemnify, defend, and hold harmless FDOT and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of the County's non-compliance or performance of this PTGA. The indemnification obligation must also be passed on to contractors and/or consultants. The Risk Management Department and County Attorney's Office have reviewed the indemnification requirements for this grant and advised staff accordingly. Given that liability is limited to County's non-compliance or performance of this agreement and the statutory caps of Section 768.28, Florida Statutes, staff recommends BCC approval. Countywide (MM)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office (PBSO), a Federally Funded Sub-Award & Grant Agreement for a FY 2024 State Homeland Security Grant from the Florida Division of Emergency Management in the amount of \$218,500 for the period of November 1, 2024 through August 31, 2026; and

B) approve a Budget Amendment in the amount of \$218,500 in the Sheriff's Grant Fund.

SUMMARY: On December 2, 2024, PBSO received a FY 2024 State Homeland Security Grant Program (SHSGP) award from the State of Florida, Division of Emergency Management for the period November 1, 2024 through August 31, 2026. These funds will support our Fusion Center personnel, overtime, training, and software technology. 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 R1192. Countywide (RS)

DD. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: a fully executed Palm Beach County FY 2025, 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 Equestrian Holiday & Horses Circuit held November 27 – December 22, 2024, for the grant term of August 27, 2024 – April 22, 2025. This grantee was approved by the TDC on June 13, 2024, in the amount of \$20,000. **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. On June 7, 1994, the Board of County Commissioners (BCC) 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 generated for Equestrian Sport Productions, LLC/Equestrian Holiday & Horses Circuit are estimated at 12,379. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

2. [Staff recommends motion to receive and file:](#) a fully executed Palm Beach County FY 2025, 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 I Do Beach Tennis, LLC for the promotion of I Do Beach Tennis ITF World Tour 2024 held November 1 – 10, 2024, for the grant term of May 1, 2024 – February 10, 2025. This grantee was approved by the TDC on September 12, 2024, in the amount of \$35,000. **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. On June 7, 1994, the Board of County Commissioners (BCC) 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 generated for I Do Beach Tennis, LLC / I Do Beach Tennis ITF World Tour 2024 were 3,491. Countywide (YBH)

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

A. HOUSING & ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROGRAM FOR NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES; PROVIDING FOR TITLE; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FOR INTENT AND DECLARATION; PROVIDING FOR DEFINITION OF TERMS; PROVIDING FOR ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROGRAM; PROVIDING FOR APPLICABILITY; PROVIDING FOR APPLICATION AND APPROVAL PROCESS; PROVIDING FOR MONITORING, REVOCATION OF EXEMPTION AND RECOVERY OF FUNDS; PROVIDING FOR APPEALS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SUNSET; PROVIDING FOR A SAVINGS CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE. **SUMMARY:** In a referendum held on August 20, 2024, the voters of Palm Beach County authorized the Board of County Commissioners (BCC) to grant economic development ad valorem tax exemptions (AVTE). The Ordinance establishing the AVTE Program will remain in effect for a ten (10) year period (expiring on August 19, 2034) based on Florida Statutes §196.1995. All AVTE requests are contingent upon the eligibility of the new business or expanding business as defined under Florida Statutes §196.012, and subject to BCC approval on a case-by-case basis, in accordance with this Ordinance and County policy. A business granted an exemption must have a positive impact on the County's economy, including the creation and maintenance of new full-time jobs. A draft of the ordinance was presented to the League of Cities General Membership for review and input on October 23, 2024. On November 19, 2024, the BCC approved motions to receive and file the Business Impact Estimate, and to approve on first reading and to advertise for Public Hearing on December 3, 2024. On November 26, 2024, County Administration provided notice that the December 3, 2024 meeting had been canceled; therefore in order to meet the amended advertising requirements, this item was re-scheduled for Public Hearing on January 14, 2025. Countywide (DB)

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

A. HOUSING & ECONOMIC DEVELOPMENT

2. [Staff recommends motion to approve on first reading:](#) A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE PARCELS LOCATED AT 9302 AND 9400 SOUTH MILITARY TRAIL, WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA, FURTHER IDENTIFIED BY PARCEL CONTROL NUMBERS 00-42-45-24-03-000-5851, 00-42-45-24-03-000-5852 AND 00-42-45-24-12-001-0010, AS A BROWNFIELD AREA PURSUANT TO FLORIDA STATUTES §376.80(2)(C), WHICH SHALL HEREAFTER BE KNOWN AS THE CYPRESS CREEK GREEN REUSE AREA, FOR THE PURPOSE OF REHABILITATION, CREATION OF RECREATION AREA, AND PROMOTING ECONOMIC DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE; AND, FOR OTHER PURPOSES. **SUMMARY:** On October 22, 2024, the Board of County Commissioners (BCC) approved two (2) motions to allow for a Brownfield Area designation of the Cypress Creek Green Reuse Area (Subject Site): 1) A waiver of the statutory requirement by a super majority vote (five (5) votes), that one (1) of two (2) public hearings be held after 5:00 p.m.; and, 2) The advertising of public hearings on Tuesday, December 3, 2024 at 9:30 a.m., and Tuesday, January 14, 2025 at 9:30 a.m. On November 26, 2024, County Administration provided notice that the December 3, 2024 meeting had been canceled; therefore in order to meet the amended advertising requirements, this item was re-scheduled for first reading on January 14, 2025 and adoption at the February 11, 2025 meeting. On August 29, 2024, Toll Brothers, Inc. (Toll Bros.), as contract purchaser, and the owner, True Shot, LLC, (collectively the Applicant) submitted an application to the Department of Housing and Economic Development to designate the Subject Site as a Brownfield Area. This designation requires two (2) public hearings, one (1) of which must be held after 5:00 p.m. per Florida Statutes §125.66 (cross-referenced in Florida Statutes §376.80), unless the BCC, by a super majority vote, elects to conduct that hearing at another time of day, which the BCC authorized on October 22, 2024. The Subject Site consists of a closed golf course, clubhouse and accessory facilities, which the Applicant indicates is impacted by arsenic in the soil and groundwater. The rezoning of the 122.53-acre Subject Site was approved by the BCC at the July 17, 2024 Zoning Hearing (Resolution R-2024-0864), to allow for the development of 152 single-family dwelling units. The Applicant is seeking a Brownfield Area designation under Florida’s Brownfields Redevelopment Act, prior to redevelopment of the Subject Site with 152 single-family dwelling units, a 1.79-acre recreation area, a 2.45-acre Civic Pod, five (5) lakes and several open space areas. **No County funds for implementation are required.** District 2 (DB)

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

B. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, DIVISION 2, PART C OF THE PALM BEACH COUNTY CODE, (ORDINANCE NO. 2018-021), PERTAINING TO THE EQUAL BUSINESS OPPORTUNITY PROGRAM; PROVIDING FOR POLICY, PURPOSE, AND OBJECTIVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE AND EXCLUSIONS; PROVIDING FOR OFFICE OF EQUAL BUSINESS OPPORTUNITY; PROVIDING FOR COMMERCIAL NONDISCRIMINATION POLICY; PROVIDING FOR ADMINISTRATIVE REFORMS; PROVIDING FOR AFFIRMATIVE PROCUREMENT INITIATIVES; PROVIDING FOR PROGRAM ADMINISTRATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY: The Equal Business Opportunity (EBO) Ordinance is amended to ensure consistency between the “Procurement and/or Purchasing Code,” which became effective on November 16, 2024. Additional amendments are made to Administrative Reforms, Affirmative Procurement Initiatives (APIs) and Program Administration that are consistent with EBO policies, processes and practices. The pertinent edits include:

- 1) Aligning the EBO Ordinance with the Procurement Code (Code) to ensure consistency and incorporate recent changes to the Code;
- 2) Added, revising, deleting and clarifying definitions as needed, including, but not limited to, making definitions consistent with the Procurement Code, defining the Active Vendor Directory, and defining the capabilities of the Enterprise Contract Management System (eCMS);

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

B. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. SUMMARY (cont'd.):

- 3) Incorporating the Small Business Enterprise (SBE) and Minority/Women Business Enterprise (M/WBE) Mentor Protégé Pilot Program as a permanent part of the EBO Ordinance due to its demonstrated effectiveness. This program, also known as Construction Manager at Risk (CM@R), offers evaluation preferences for construction-related proposals when the proposing firm agrees to mentor an SBE or M/WBE, providing management guidance and training. Evaluation criteria includes the firm's history of SBE participation on previous government or private sector projects, its SBE or M/WBE participation plan, and its commitment to achieving Affirmative Procurement Initiatives for applicable subcontracts;
- 4) Adding language to SBE Price Preference for construction contracts where there are no opportunities for subcontracting to indicate that the majority of the work must be performed by the Prime SBE respondent;
- 5) Adding language to vendor invoice and payment procedures for payment of undisputed invoices and included Local Government Prompt Payment Act language as defined in Section 218.70 et seq., Florida Statutes;
- 6) Adding language to evaluation and preference provisions to prioritize the participation of Small Business Enterprise (SBE) respondents and bidders;
- 7) Updating fees for Special Master Hearing appeal bond to align with the Procurement Code, ensuring transparency of the fee structure; and
- 8) Clarifying the frequency of reporting requirements as follows: The EBO will submit quarterly performance reports to the Board of County Commissioners (BCC) as receive and file agenda items and semiannual and annual reports will be presented to BCC and County Administration. Countywide (RS)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to approve:

- A) Amendment No. 3 to the Construction Manager (CM) at Risk Contract (Contract) with Suffolk Construction Company Inc. (Suffolk) for CM at Risk Services in the amount of \$114,884,560.24 with a project duration of 1,200 calendar days for Concourse B Expansion – Package 2B (Phase 3) at the Palm Beach International Airport (PBI);
- B) a Budget Transfer in the amount of \$10,000,000, in the Airport's Operating Fund to the Airport's Improvement and Development Fund;
- C) a Budget Transfer in the amount of \$11,000,000, in the Airport's Passenger Facility Charges Fund to the Airport's Improvement and Development Fund; and
- D) a Budget Amendment in the amount of \$27,298,523, in the Airport's Improvement and Development Fund to provide budget for the Amendment, including a transfer from reserves in the amount of \$6,298,523.

SUMMARY: On June 15, 2021, the Board of County Commissioners (BCC) approved the Contract (R2021-0843) with Suffolk for CM at Risk Services for the Concourse B Expansion Project (Project), which included pre-construction services in the amount of \$60,000. Services under the Contract are provided on a task/work order basis and are approved in accordance with PPM CW-F-050. The Project is being constructed in phases. On February 7, 2023, the BCC approved Amendment No. 1 (R2023-0217) for Phase 1 of the Project (Phase 1) in the amount of \$12,398,676 with a project duration of 368 calendar days, which provided for the expansion of restroom facilities and construction of new concession space between Gates 85 and 87. Change Orders No. 1 - 15 to Amendment No. 1 increased the Phase 1 contract amount by \$2,185,051.86, extended the project duration for Phase 1 by 190 calendar days, and provided for services associated primarily with unforeseen conditions, including abatement of certain materials, addition of a lift station to resolve utility conflicts, and changes to a temporary kitchen to maintain food service during construction.

5. REGULAR AGENDA

A. AIRPORTS

1. **SUMMARY (cont'd.):** On June 11, 2024, the BCC approved Amendment No. 2 (R2024-0721) in the amount of \$10,047,873.24 with a project duration of 689 calendar days for Phase 2 of the Project, which provided for completion of interior finishes to the existing concourse to match the new expansion area along with installation of mechanical chilled water piping on the roof, and the relocation of a water main needed to complete the final phase of the Project. Amendment No. 3 will increase the Contract amount by \$114,884,560 for total contract amount of \$139,576,131.10 and provide for the completion of the final phase of the Project. The project duration for the Phase 3 will be 1,245 days and will be concurrent with completion of Phase 2. Suffolk is based in Boston, Massachusetts; however, the work will be directly managed by its regional office in West Palm Beach, FL. A Disadvantaged Business Enterprise (DBE) goal of 20% was established for the Contract. DBE participation for Amendment No. 3 is 15%. DBE participation for this Contract to date, including this Amendment No. 3, is 15%. Pursuant to changes to Chapter 332, Florida Statutes, effective July 1, 2023, a governing body of a commercial service airport may not approve purchases of contractual services in excess of \$1,000,000 on a consent agenda. Amendment No. 3 exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

B. PLANNING, ZONING & BUILDING

1. Staff seeking direction: related to Milestone Inspection enforcement and review of current compliance and options available to the County. **SUMMARY:** Following the 2021 Champlain Towers South collapse in Surfside the State of Florida adopted language found in Section 553.899, Florida Statutes, requiring structural inspection and certification of all condominium and cooperative buildings of three (3) stories or more once they reach a certain age. As a result, new provisions were added to the Florida Building Code (FBC), effective December 31, 2023, that mandates “milestone” structural inspections for all condominium and cooperative buildings three (3) stories or more that have reached 30 years of age. Palm Beach County (PBC) adopted these provisions in its Local Amendments to the FBC, Chapter 1, on June 11, 2024. After consulting with the Department of Business and Professional Regulation (DBPR) and PBC records, there are 663 buildings in unincorporated PBC that are subject to the MI rules and regulations. Of those, 553 were required to provide a Phase 1 MI by December 31, 2024. As of January 2, 2025 approximately 124 buildings have not yet complied with this requirement. As such, a final notice letter is being sent to the registered agent of the buildings not in compliance. The Statute offers some guidance on enforcement and what discretion the Building Official and local governing board has for extensions and approach. Therefore, Staff will be updating the Board of County Commissioners (BCC) and providing options for consideration on enforcement. Unincorporated (RM)

5. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

- A) **adopt** a Resolution approving the State of Florida (State) Funded Grant Agreement (Agreement) with the Florida Department of Transportation (FDOT) for design, construction and construction engineering inspection (CEI) of an adaptive traffic control system (ATCS) along Okeechobee Boulevard between I-95 and Flagler Drive (Project);
- B) **approve** the Agreement for the FDOT to reimburse Palm Beach County (County) up to \$2,750,000 to complete the Project by December 31st, 2026; and
- C) **approve** a Budget Amendment in the amount of \$2,750,000 in the Transportation Improvement Fund to recognize the grant funding from FDOT, and appropriate it to the Project.

SUMMARY: The State appropriated \$2,750,000 for the County to design and implement an ATCS on Okeechobee Boulevard, from the I-95 overpass to Flagler Drive. The County shall design and oversee the construction and CEI services required to complete the Project, and the County shall be responsible for any costs exceeding \$2,750,000. The County estimates Project costs to be \$2,783,476. **The local match of \$33,476 is 1.20% of the estimated project cost.** Once the Project is complete, the County agrees to maintain the Project. The Catalog of State Financial Assistance (CSFA) number for this grant is 55.039 Highway Operations. The FDOT requested that the County enter into this Agreement. On November 5, 2024 (R2024-1528) the Board of County Commissioners (BCC) approved Consultant Service Authorization No. 2 to identify a compatible ATCS that will work with the existing traffic signal system, develop the request for proposal documents for a design build contract to implement the Project, and perform a study to evaluate the performance of the implemented ATCS. Districts 2 & 7 (YBH)

5. REGULAR AGENDA

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Overview of four (4) Cross-Departmental Teams on the County's seven (7) Strategic Priorities: Economic Development CDT, Unsheltered Residents CDT, Housing Development CDT, and the Substance Use and Behavioral Disorders CDT. **SUMMARY:** The County has seven (7) strategic priorities: Economic Development, Housing Development, Unsheltered Residents, Environmental Protection, Infrastructure, Public Safety, and Substance Use and Behavioral Disorders. In 2018, cross-departmental teams (CDT) were created to address needs and work completed in relation to the strategic priorities. Three (3) teams provided an update on their progress at the January 7, 2025 meeting, and the four (4) remaining teams (Economic Development CDT, Unsheltered Residents CDT, Housing Development CDT, Substance Use and Behavioral Disorders CDT) will provide an update today. Countywide (DB)

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JANUARY 14, 2025

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JANUARY 14, 2025

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JANUARY 14, 2025

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER JOEL FLORES

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER BOBBY POWELL JR.

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JANUARY 14, 2025

9. ADJOURNMENT

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