



# **Palm Beach County Board of County Commissioners**

## **Public Hearing Results**

### **July 28, 2021**

#### **1. CALL TO ORDER**

- A. Roll Call
- B. Invocation and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file  
**BCC Action: *Motion to receive and file***, motion by Vice Mayor Weinroth, seconded by Commissioner Bernard passed in a 7 to 0 vote.

#### **2. AGENDA APPROVAL**

- A. Additions, Deletions, Substitutions  
**BCC Action: *Motion to approve the addition of Item 6.A.3 and the Deletion of 5.b.2.d from Policy 1.5-U of Item 4.A.1***, motion by Vice Mayor Weinroth, seconded by Commissioner Weiss passed in a 7 to 0 vote.
- B. Postponements
- C. Adoption of the Agenda  
**BCC Action: *Motion to adopt to reorder the Agenda: Item 6.A.1, 6.A.2 and 4.C.1 to be heard first***, motion by Vice Mayor Weinroth, seconded by Commissioner Weiss passed in a 7 to 0 vote.

#### **3. PUBLIC HEARING – Amendment Round 21-B Adoption**

##### **3.A. Privately Proposed Amendments**

##### **3.A.1. [Lantana SR-7 \(LGA 2021-013\)](#)**

**Proposed FLUA Amendment:** From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low with an underlying 1 unit per 10 acres (CL/RR-10)

**Size:** 1.03 acres **BCC District: Comm. McKinlay, District 6**

**Location:** Southwest corner of State Road 7 and Lantana Road

**Summary:** The amendment consists of a site-specific future land use designation change on 1.03 acres from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL) in order to develop commercial uses. The site is located in the Rural Tier and adjacent to the Urban/Suburban Tier to the north and east.

**Staff Recommendation. *Denial***

**Planning Commission/LPA Recommendation.** *Approval*, motion by Evan Rosenberg, seconded by Barbara Roth, passed in an 8 to 4 vote with Marcia Hayden, Glenn Gromann, Sarah Pardue, and Edwin Ferguson dissenting at the April 23, 2021 public hearing. Under discussion, Commission members discussed the differences between this application and prior amendment requests and discussed flooding issues that occur at Lantana Road and State Road 7. There was no public comment.

**BCC Transmittal:** *Transmit*, motion by Commissioner Bernard, seconded by Commissioner McKinlay passed in a 6 to 0 vote (with Mayor Kerner absent) at the May 5, 2021 public hearing. Under discussion, the Board questioned the uses allowed under the current designation and uses allowed on the adjacent non-residential parcels. Two members of the public spoke. A representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in support of the amendment and spoke regarding flooding on Lantana Road west of SR-7. A representative of the Sierra Club spoke in opposition.

**Subsequent to Transmittal:** The State Land Planning Agency reviewed this amendment under Round 21-03ESR and issued a letter dated June 4, 2021 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state agencies.

**MOTION:** To *Adopt an ordinance* for the Lantana SR7 amendment

**BCC Action:** *Adopt*, motion by Commissioner McKinlay, seconded by Commissioner Bernard, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment. **Ord. 2021-20**

### 3.A.2. [Sunflower Light Industrial \(LGA 2021-016\)](#)

**Proposed FLUA Amendment:** From Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR)

**Size:** 8.19 acres **BCC District:** Comm. Sachs, District 5

**Location:** West side of State Road 7, approx. 0.27 miles south of Atlantic Avenue

**Summary:** The amendment is proposing to change the future land use from Agricultural Reserve (AGR) to Industrial (IND) in order to allow the expansion of the landscape with nursery use on the site and to allow additional industrial uses.

**Staff Recommendation.** *Denial*

**Planning Commission/LPA Recommendation.** *Denial.* Pursuant to ULDC, the “*failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174.*” A motion for denial by Barbara Roth, seconded by David Dinin, failed in a 6 to 6 vote at the April 23, 2021 public hearing. An initial motion to approve by Glenn Gromann, seconded by Penny Pompei, failed in a 5 to 7 vote. Prior to the item, Commissioners Lori Vinikoor and Eric Royal abstained from this item. Under discussion, Commission members expressed support for the continuation of the landscape service on the site, but concern regarding the Industrial future land use designation and the

intense range of uses allowed particularly west of SR-7. One member of the public representing the Alliance of Delray spoke in support.

**BCC Transmittal: *Transmit with modifications***, motion by Commissioner Marino, seconded by Commissioner Bernard, passed in a 5 to 0 vote (with Commissioner Sachs excused and Mayor Kerner absent) at the May 5, 2021 public hearing. The motion included the addition of the voluntary condition of approval to limit the uses to light industrial type uses as depicted in Exhibit 1. Staff indicated that they would work with the applicant to identify associated uses between transmittal and adoption. Under discussion, Commissioners discussed the concept of a new light industrial future land use designation and a workshop for discussing additional industrial future land use in the Tier. The discussion included comments regarding the long term landscape service use on the site, and that the proposed condition of approval would help ensure that heavy industrial uses are not located on this site. Four members of the public spoke on this item. Representatives of Sierra Club, the Coalition of Boynton West Residential Associations (COBWRA) and Everglades Law Center spoke in opposition. One member of the public spoke in support.

**State Review Comments:** The State Land Planning Agency reviewed this amendment under Round 21-03ESR and issued a letter dated June 4, 2021 stating that the Agency had no comment on the proposed amendment. The comments from the Treasure Coast Regional Planning Council expressed that the proposed amendment could reduce the potential for agricultural related uses.

**Changes Subsequent to Transmittal.** Staff added a condition of approval to prohibit Commercial Uses on the site with the exception of Landscape Service, Self-Storage, and accessory uses. Such uses are not appropriate on the subject site since the site does not have a commercial future land use designation, and the development of these uses would circumvent the cap on commercial uses in the Agricultural Reserve Tier in Future Land Use Element Policy 1.5-n.

**MOTION:** To ***Adopt an ordinance as recommended by staff*** for the Sunflower Light Industrial amendment

**BCC Action: *Adopt as recommended by staff***, motion by Vice Mayor Weinroth, seconded by Commissioner Marino, passed in a 6 to 0 vote (with Commissioner Sachs excused) at the July 28, 2021 public hearing. Under discussion, Commissioner comments included statements that the Agricultural Reserve bond and AGR-PUD preserves were not subject to this amendment and did not encompass the entire Tier. Three members of the public spoke in support. A letter from the Sierra Club in opposition was read into record (see Exhibit 10). **Ord. 2021-021**

#### 4. PUBLIC HEARING – Amendment Round 21-B2 Transmittal

##### 4.A. Proposed Amendments in the Agricultural Reserve Tier

###### 4.A.1. [All Seasons \(LGA 2021-009\)](#)

**Proposed Text Amendment:** To amend the Comprehensive Plan to allow the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier for Congregate Living Facility up to 8 units per acre subject to criteria.

**Proposed FLUA Amendment:** From Agricultural Reserve (AGR) to Institutional & Public Facilities with an underlying Agricultural Reserve (INST/AGR)

**Size:** 9.73 acres w/offsite preserve      **BCC District: Comm. Sachs, District 5**

**Location:** Northeast corner of Lyons Road and Linton Boulevard

**Summary:** The privately proposed text amendment to the Comprehensive Plan proposes to allow the CLR future land use designation in the Agricultural Reserve Tier specifically for the development of congregate living facilities (CLF) subject to the following criteria:

- Limit the location to sites fronting Lyons Road between Atlantic Ave. and Linton Blvd.;
- Require a minimum of 5 acres;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 50% offsite and 10% onsite preserve areas (civic uses) for multiple use projects.

**Staff Recommendation. *Approval with conditions***

**Planning Commission/LPA Recommendation. *Denial*,** motion by Evan Rosenberg, seconded by Barbara Roth, passed in a 10 to 4 vote with Spencer Siegel, Glenn Gromann, Penny Pompei and Angella Vann dissenting at the April 23, 2021 public hearing. The first motion (for Approval) by Spencer Siegel, seconded by Penny Pompei, failed 4 to 10, and a substitute motion to Approve with a condition requiring the preserve to be secured prior to adoption, also failed 4 to 10. Under discussion, Commission members discussed text amendment that would allow other parcels along Lyons Road to apply for the Congregate Living Residential future land use designation and the benefit of a collocated fire rescue station on the congregate living facility site. Several commissioners expressed support for the request, but concern for lack of a secured preserve at this time. Three members of the public spoke in support, including a representative from the Alliance of Delray.

**MOTION:** To ***Transmit*** the All Seasons amendment

**BCC Action: *Transmit as recommended by staff*,** motion by Commissioner Bernard, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. The motion included changes made as part of the Add/Delete to remove 5.b.2.d from Policy 1.5-U which would have allowed the off-site preserve to retain AGR Zoning which has been reflected in the DEO transmitted report. There was minimal Board discussion. Four members of the public spoke on the item, including three speakers in support (including the property owner). A representative from the Sierra Club spoke in opposition and read a letter into record (see Exhibit 11).

#### 4.A.2. LWDD AGR Preserve Areas

**Summary:** This is a County Initiated amendment to revise the Future Land Use Element of the Comprehensive Plan to establish a limit of canal rights-of-way owned by the Lake Worth Drainage District (LWDD) and utilized for right-of-way purposes to be eligible to be Preserve Areas for an Agricultural Reserve Planned Development (AGR-PDD) for acreage calculations or for density purposes.

#### **Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Kiley Harper-Larsen, seconded by Glenn Gromann, passed in an 11 to 3 vote with Barbara Roth, Cara Capp and Marcia Hayden dissenting at the July 9, 2021 public hearing. Under discussion, Commission members questioned whether the proposed amendment applied only to the Agriculture Reserve area only and if the current amendment affected LWDD interests in other parts of the County, and recognized the significant role the LWDD performs for County residents. County staff stated that the proposed amendment will prevent any additional LWDD-owned canals/rights-of-way from being preserves. Additionally, the Executive Director of the LWDD indicated that the LWDD Board of Supervisors passed the resolution stating that they will not pursue the sale of any additional development potential associated with their canals in the Agricultural Reserve. One member of the public representing the Sierra Club spoke in opposition and a letter from 1,000 Friends of Florida and the Sierra Club was read into record (see Exhibit 2). A representative from G.L. Homes spoke in support.

**MOTION:** To *transmit* the LWDD AGR Preserve Areas amendment

**BCC Action: *Transmit with modifications***, motion by Vice Mayor Weinroth, seconded by Commissioner Marino, passed in a 5 to 2 vote with Commissioner Sachs and Mayor Kerner dissenting at the July 28, 2021 public hearing. The motion included the addition of a super majority (approval of at least five members of the BCC) requirement for any changes regarding the LWDD-owned canals which is reflected in Exhibit 1 in double underline. Under discussion, the Commissioners commented that the language proposed did not grant the ability for any additional LWDD canals to become preserve; rather the language limited the LWDD canals to the ones discussed at the May 5<sup>th</sup>, 2021 hearing in the Monticello AGR-PUD Zoning application. One member of the public spoke in support, and one member of the public representing the Sierra Club spoke in opposition.

#### 4.B. Privately Proposed Amendments

##### 4.B.1. [Arden PUD \(LGA 2022-003\)](#)

**Proposed FLUA Amendment:** To modify conditions of approval on a site with LR-2 future land use

**Size:** 1,209.98 acres

**BCC District:** Comm. McKinlay, District 6

**Location:** North side of Southern Boulevard (SR-80), approximately 2.5 miles west of Seminole Pratt Whitney Road.

**Summary:** This is an amendment to a previously adopted condition of approval and does not change the future land use designation of the site. With the adoption of the latest amendment on this site in 2020, the Test 2 traffic analysis indicated that a phasing condition was necessary for compliance with Future Land use Element Policy 3.5-d.

**Staff Recommendation.** *Approval with conditions*

**Planning Commission/LPA Recommendation.** *Approval with conditions*, motion by Glenn Gromann, seconded by Eric Royal, passed in a 14 to 0 vote at the July 9, 2021 public hearing. Under discussion, Commission members asked questions regarding planned improvements to Southern Boulevard, the proportionate share agreement, number of built units, and the number of workforce housing units associated with the project. There was no public comment.

**MOTION:** To *transmit* the Arden PUD amendment

**BCC Action:** *Transmit*, motion by Commissioner McKinlay, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

##### 4.B.2. [Coconut Palm Plaza \(LGA 2020-002\)](#)

**Proposed FLUA Amendment:** From Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low, with an underlying Rural Residential, 1 unit per 20 acres (CL/RR-20)

**Size:** 11.25 acres

**BCC District:** Comm. McKinlay, District 6

**Location:** Southeast corner of Northlake Boulevard and Coconut Boulevard

**Summary:** The 11.25 acre subject site is located in the Exurban Tier at the northern edge of the area known as the Acreage in the Central Western Communities. A concurrent zoning application is requesting the development of 49,005 square feet of commercial uses consisting of retail and a convenience store with gas sales. The site was formerly owned by the United States Postal Service and proposed for a post office.

**Staff Recommendation.** *Approval with conditions*

**Planning Commission/LPA Recommendation.** *Approval with conditions*, motion by John Carr, seconded by Rick Stopek, passed in a 14 to 0 vote at the July 9, 2021 public hearing. Under discussion, Commission members asked questions regarding water and sewer connections, fuel tank design and regulation, the proposed buffer, access, and the timing of the intersection improvements. One public member spoke in opposition to a gas station use and

submitted a letter in opposition for the record. Two comment cards in opposition were read into the record.

**MOTION:** To *transmit* the Coconut Palm Plaza amendment

**BCC Action: *Transmit with modifications***, motion by Commissioner McKinlay, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the July 28, 2021 public hearing. The motion included an additional condition of approval prohibiting access from the site to Hamlin Boulevard as reflected in Exhibit 1. Under discussion, the District Commissioner asked questions regarding Hamlin, stated that the gas station use would be addressed as part of the zoning application, and referenced a letter from Acreage Land Owners Association to remove the access on Hamlin Boulevard. Two members of the public spoke. One public member spoke in opposition to a gas station use and submitted a letter for the record that she had distributed at the Planning Commission, and a letter was submitted from the Acreage Landowners Association (see Exhibit 10). A representative of the Sierra Club expressed concern about the gas station potentially impacting the water quality of the area and part of Loxahatchee River drainage.

#### **4.C. County Proposed Amendments**

##### **4.C.1. [Kirk Road TIM and Text Amendment](#)**

**Summary:** The proposed amendment to the Comprehensive Plan is requested by the Village of Palm Springs and would revise the Transportation Element Policy 1.4-u and the Thoroughfare Identification Map (TIM), TE 14.1, as follows:

- Kirk Road, from Lake Worth Road to Alameda Drive/Purdy Lane, is an 80 foot section that shall be restricted to three lanes with the excess right-of-way to be used for roundabouts, pedestrian/bicycle facilities and/or landscaping/buffering. Before Kirk Road between Lake Worth Road to Alameda Drive/Purdy Lane may be constructed as a 4/5-lane facility, the parallel segment of Military Trail must operate below Level of Service E.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Barbara Roth, seconded by Spencer Siegel, passed in an 11 to 0 vote at the June 11, 2021 public hearing. Under discussion, one PLC member expressed support for the coordination between the County and the Village of Palm Springs that achieved a win/win situation. A representative from the Village, Joni Brinkman, spoke in support of the amendment and expressed appreciation to County staff and the successful outcome of the proposed language.

**MOTION:** To *transmit* the Kirk Road amendment

**BCC Action: *Transmit***, motion by Commissioner Weiss, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. Under discussion, the District Commissioner expressed appreciation for the cooperation between the Village of Palm Springs and County staff on the amendment. One comment card was submitted.

##### **4.C.2. [10th Avenue North TIM and Text Amendment](#)**

**Summary:** The proposed amendment would modify the Thoroughfare Right of Way Identification Map (TIM), TE 14.1, to widen right-of-way from 80 feet to 110 feet for the segment



of 10<sup>th</sup> Avenue North from Congress Ave to I-95 and to modify TE Policy 1.2-v accordingly to allow for a future 6-lane divided roadway.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Spencer Siegel, seconded by Eric Royal, passed in an 11 to 0 vote at the June 11, 2021 public hearing. There was minimal discussion. A representative from the Village, Joni Brinkman, spoke in support of the amendment with a request for County Engineering to coordinate throughout the design of the widened roadway. Morton Rose, Engineering Roadway Production Director, relayed that coordination would be ongoing.

**MOTION:** To *transmit* the 10<sup>th</sup> Avenue North amendment

**BCC Action: *Transmit***, motion by Commissioner Bernard, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

#### 4.C.3. Library Services Element Updates

**Summary:** This is a County Initiated amendment requested by the Library Department. The amendment proposes to revise and update the Library Services Element and Map Series of the Comprehensive Plan to:

- Update the Assessment and Conclusion section to reflect current conditions, namely the completion of Library Expansion Program Phase II and ongoing capital project status.
- Update Objective 1.1 to align with the Library System's restructured strategic plan and mission statement.
- Update Objectives 1.2 through 1.5 to reflect changes in library standards.
- Replace the Library Services Map, LS 1.1, to reflect the addition of newly constructed libraries, add a planned library, and municipal libraries that are not within the Library Cooperative of the Palm Beaches, and to remove Library Annex support Facility.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Eric Royal, seconded by Barbara Roth, passed in an 11 to 0 vote at the June 11, 2021 public hearing. Under discussion, the Chair questioned the staff of Level of Service calculation for new Full Time Equivalent (FTE). Douglas Crane, Library System Director explained that the new metric is the percentage of total permanent FTE positions. There was no public comment.

**MOTION:** To *transmit* the Library Services Element Updates amendment

**BCC Action: *Transmit***, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.



#### 4.C.4. [Natural Areas Updates \(LGA 2021-019 & LGA 2021-020\)](#)

**Proposed FLUA Amendment:** From Parks and Recreation (PARK) and Rural Residential, 1 unit per 20 acres (RR-20) to Conservation (CON)

**Size:** 5.94 acres total **BCC District: Comm. Marino, District 1**

**Location:** East of Ellison Wilson Road, south of Donald Ross Road, and north of Indiantown Road, east of the Bee Line Highway

**Summary:** This is a County initiated amendment to amend County owned lands to the Conservation Future Land Use Designation at the request of the Department of Environmental Resources Management (ERM). The parcels are in two separate locations. Three parcels (3.76 acres) are adjacent to the Pine Glades Natural Area located east of Bee Line Highway along the north side of Indiantown Road. One parcel (2.18 acres) is adjacent to the Juno Dunes Natural Area on the east side of Ellison Wilson Road just south of Donald Ross Road.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Rick Stopek, seconded by John Carr, passed in an 11 to 0 vote at the June 11, 2021 public hearing. Under discussion, Commission members asked questions regarding the uses allowed within the Conservation future land use designation, maintenance of Conservation parcels, and the prior ownership of the proposed amendment sites. Staff stated that Conservation designated Natural Areas are maintained by the Department of Environmental Resource Management, typically open to public, and may include trail heads and pathways. The subject parcels were acquired by the County from Florida Inland Navigation District and tax deed sales. There was no public comment.

**MOTION:** To ***Transmit*** the Natural Areas Updates amendment

**BCC Action: *Transmit***, motion by Commissioner Marino, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

## 5. REGULAR AGENDA

### 5.A. Proposed Amendment Initiation

The initiation process allows the Board to consider the proposed changes to the Comprehensive Plan prior to processing. The complete staff report for each amendment would return to the Board for discussion at subsequent hearings.

#### 5.A.1. [County Initiated Text Amendments](#)

**Summary.** These County staff proposed amendments to the Comprehensive Plan consist of the following:

- Implement new legislation from the previous legislative session, including requirements of House Bill 59 – Growth Management. Additional changes based on legislative changes will be identified through the amendment process.

- Revise the Intergovernmental Coordination Element in the Comprehensive Plan in order to make general updates based on legislative changes, delete obsolete references, update policies based on review of Intergovernmental coordination in the County.

**Planning Commission/LPA Recommendation:** *To recommend initiation*, motion by Penny Pompei, seconded by Glenn Gromann, passed in a 14 to 0 vote at the July 9, 2021 public hearing. There was minimal discussion and no public comment.

**MOTION/Staff Recommendation:** *To initiate* the County Initiated Text amendments

**BCC Action:** *To initiate the proposed amendment and approve an additional round*, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth passed in a 7 to 0 vote at the July 28, 2021 public hearing. The motion included approval of the request by County staff for an additional amendment round for this amendment to prevent any timing delays with amendments in process, and noted that the action required a super majority vote by the Board. There was minimal Board discussion and no public comment.

#### 5.A.2. County Initiated Density Amendments

**Summary.** These County staff proposed amendments are intended to modernize the County's density concepts and processes, to increase transparency and predictability in the use of the Future Land Use amendment process, the Transfer of Development Rights (TDR) Program, and the Workforce Housing Program (WHP). The amendments consist of the following:

- Establish additional policy guidance for identifying locations where density increases may be appropriate, and identify metrics to evaluate compatibility with surrounding densities.
- Create future land use designations based in housing type rather than density figures alone, that reflect total density including bonuses.
- Modify requirements specific to WHP units that result from TDRs, standardizing requirements for all WHP units.
- Establish a defined process for increasing density through the use of TDRs, WHP density bonus, and future land use amendments that furthers County objectives.
- Foster attainable single-family development by directing changes to property development regulations.

**Planning Commission/LPA Recommendation:** *To recommend initiation*, motion by Barbara Roth, seconded by Eric Royal, passed in a 14 to 0 vote at the July 9, 2021 public hearing. There was minimal discussion and no public comment.

**MOTION/Staff Recommendation:** *To initiate* the Residential Density amendment

**BCC Action:** *To initiate the proposed amendment*, motion by Vice Mayor Weinroth, seconded by Commissioner Weiss passed in a 7 to 0 vote at the July 28, 2021 public hearing. Under discussion, Commissioners requested that industry be included in the discussions and expressed support for the amendments. There was no public comment.

## 6. OTHER DEPARTMENTS

### 6.A.1. FACILITIES, DEVELOPMENT AND OPERATIONS DEPARTMENT

**Staff recommends motion to approve:** Amendment No. 2 with the following three (3) consultants to extend the term of the continuing Planning and Property Development Assistance contracts through August 13, 2022, and incorporate standard contract terms:

- A) Gentile Glas Holloway O'Mahoney & Associates, Inc. Landscape Architects, Planners, Environmental Consultants (R2018-1171), SBE/Local, 88.76% SBE participation to date;
- B) Jon E. Schmidt & Associates, Inc. d/b/a Schmidt Nichols (R2018-1172), SBE/Local, 93.36% SBE participation to date; and
- C) Urban Design Studio, LLC d/b/a Urban Design Kilday Studios (R2018-1173), SBE/Local, 62.48% SBE participation to date.

**Summary:** On August 14, 2018, the Board of County Commissioners (Board) approved continuing contracts with the above-referenced consultants to provide planning, engineering, and related consulting services to evaluate the possible development of existing county-owned property and potential land acquisition parcels. The original contract provided for an initial term of two (2) years with two (2) renewal options each for a period of one (1) year. On July 14, 2020, the Board approved Amendment No. 1 (R2020-0828 thru 0830) that extended the term of the continuing contracts through August 13, 2021. To date, the cumulative value of task authorizations awarded to the consultants is \$592,253.42. Amendment No. 2 authorizes the final renewal period of the continuing contracts through August 13, 2022, and adds the County's standard contract language regarding "E-Verify-Employment Eligibility." The consultants under the existing Planning and Property Development Assistance continuing contracts were selected under the County's prior Small Business Enterprise (SBE) program with a 15% SBE goal. The Office of Equal Business Opportunity has reviewed and approved this renewal request under the existing contract terms. **(Capital Improvements Division) Countywide (LDC)**

**BCC Action:** **To approve**, motion by Vice Mayor Weinroth, seconded by Commissioner Bernard passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

### 6.A.2. FACILITIES, DEVELOPMENT AND OPERATIONS DEPARTMENT

**Staff recommends motion to approve:**

- A) Amendment No. 2 to the Construction Manager (CM) contract with All-Site Construction Inc. (All-Site) (R2018-1162) extending the contract term for two (2) years to provide construction management services on a continuing contract basis for various capital projects at the Emergency Operations Center, Four Points Facility and Supervisor of Elections Facility through August 13, 2023; and
- B) Amendment No. 3 to the Construction Manager (CM) contract with Asset Builders, LLC dba Messam Construction (Asset Builders) (R2018-1163) extending the contract term for two (2) years to provide construction management services on a continuing contract basis for various capital projects located in the Glades geographical area through August 13, 2023.

**Summary:** On August 14, 2018, the Board of County Commissioners (Board) approved continuing construction manager at risk contracts with the above contractors to provide

construction management services throughout the design and construction phases of various capital projects, which may include new construction, additions, or renovation projects with an estimated construction cost not to exceed \$4,000,000. The original contracts provided for an initial term of three (3) years with one (1), two (2) year renewal option. During the first two (2) years, the county has awarded \$395,549.63 in task authorizations to All-Site, and \$863,457.07 in task authorizations to Asset Builders. Amendments No. 2 and 3, respectively, extend the term of the continuing contracts through August 13, 2023 and adds or updates standard County terms concerning Non-Discrimination, Public Entity Crimes, Section 179D Allocation, and E-Verify- Employment Eligibility. These contracts were awarded under the prior Small Business Enterprise (SBE) Ordinance with an SBE goal of 15%. After the implementation of the Equal Business Opportunity (EBO) Ordinance in January 2019, the contracts were presented to the Goal Setting Committee on February 20, 2019, and the Committee established a mandatory Affirmative Procurement Initiative (API) of 20% SBE subcontracting participation for these contracts. The CM contracts were updated with the new EBO language. All-Site and Asset Builders are Small/Minority Business Enterprise (S/MBE) contractors. The Office of Equal Business Opportunity (OEBO) has reviewed the existing SBE participation and approved this extension request under the existing contract terms. To date, the Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation for task authorizations, work orders and amendments issued under the CM Contract for All-Site is 75.93% and Asset Builders is 56.17%. The CM are local businesses. **(Capital Improvements) District(s) 2&6 (LDC)**

**BCC Action:** *To approve*, motion by Commissioner Weiss, seconded by Vice Mayor Weinroth passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

#### **6.A.3. Palm Beach County Local Provider Participation Fund (LPPF)**

**Motion and Title: Staff seeks Board direction on:** preliminary reading and to advertise for public hearing on August 17, 2021 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the “Palm Beach County Local Provider Participation Fund Ordinance”; providing for a title; providing for applicability; providing for definitions; providing for purpose; providing for alternative method; providing for assessment; providing for computation of assessment; providing for assessment resolution; providing for non-ad valorem assessment roll; providing for notice by publication; providing for notice by mail; providing for adoption of assessment resolution and non-ad valorem assessment roll; providing for annual final assessment resolution; providing for effect of annual final assessment resolution; providing for method of collection; providing for refunds; providing for enforcement; providing for indemnification; providing for correction of errors and omissions; providing for limitations on surcharges; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date.

**Summary:** This Ordinance, if adopted by the Board, will establish a Palm Beach County Local Provider Participation Fund (LPPF). The LPPF will require hospitals located in the Agency for Health Care Administration’s (AHCA) Region 9, which is Palm Beach County, to pay a uniform, non-ad valorem special assessment, set annually by resolution by the Board of County Commissioners, on hospitals that have an ownership or leasehold interest in real property in Palm Beach County. Funds collected by the County, through the LPPF assessments, will be sent to AHCA through intergovernmental transfers, consistent with federal guidelines, as the

non-federal share of increased Medicaid managed care payments facilitated under a new hospital directed payment program (DPP), which was approved for the State of Florida this year by the Centers for Medicare & Medicaid Services (CMS) under the provisions of 42 C.F.R. § 43806(c). Through the DPP, AHCA would make payments to Medicaid managed care organizations (MCOs) in order to fund increased payments by MCOs to the local hospitals to fund services provided to Medicaid patients. It is estimated the local hospitals incur over \$100 million in uncovered Medicaid costs annually, or .60 cents on each dollar of coverage rendered to a Medicaid patient. The LPPF program will leverage federal dollars, in an estimated amount of \$70M - \$80M annually, which will help to close the gap related to the uncompensated portion of Medicaid reimbursements. Each of the Hospitals is required to execute an agreement regarding liability and/or indemnification and hold harmless. Countywide (HH)

**BCC Action:** *To approve*, motion by Vice Mayor Weinroth, seconded by Commissioner Weiss passed in a 6 to 0 vote with Commissioner McKinlay excused at the July 28, 2021 public hearing. Four members of the public spoke in support.

## 7. COMMENTS

- A. County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Assistant County Administrator
- F. Commissioners

## 8. ADJOURNMENT

Be advised that anyone choosing to appeal any action with respect to any matter discussed by the Board of County Commissioners will need a record of the proceedings, and 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 based.

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