

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 13, 2021

<u>PAGE</u>	<u>ITEM</u>	
15	3C-11	DELETED FOR FURTHER STAFF REVIEW (Eng)
45	3X-4	REVISED SUMMARY: The EMS County Grant (CSFA #64.005) is an annual grant provided to Palm Beach County from the Florida Bureau of EMS, to improve and expand the EMS system. The funds are used to purchase EMS equipment which is distributed to EMS providers and other agencies that are eligible for EMS grant funding. On November 19, 2019, R2019-1801 <u>May 4, 2021, R2021-0601</u> authorized the County Administrator to sign the FY2019-2020 <u>FY2020-2021</u> annual EMS county grant application. No county matching funds are required for this grant. (Public Safety)
62	6G-1	REVISED MOTION AND SUMMARY: Staff requests board direction: regarding developing and implementing a re-certification program <u>to evaluate the safety of</u> for certain tall and large scale building types in Palm Beach County. SUMMARY: Due to the devastating event that took place on June 24, 2021 at Surfside Condominiums <u>Champlain Towers</u> located in Miami, <u>Surfside,</u> Florida, the Palm Beach County Building Division is seeking direction from the Board of County Commissioners regarding developing and implementing a re-certification program to evaluate the safety of for certain tall and large scale building types in Palm Beach County. <u>While the County has existing unsafe building abatement regulations in Section 116 of the Palm Beach County Local Amendments to the Florida Building Code, there is currently no requirement for</u> There is currently no program of periodic re-evaluation of buildings to evaluate their ongoing safety. <u>in place except as exists in the County's unsafe building abatement regulations in Section 116 of Chapter 1 of the Florida Building Code (attached). These provisions require</u> <u>Under the existing unsafe structure provisions, the Building Division relies primary on reported concerns from residents and property owners to determine when to initiate an investigation into potentially unsafe buildings, structures, equipment, or service systems.</u> to contact us to investigate concerns in structures and service systems. (PZB)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).

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

JULY 13, 2021

**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
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- 4. SPECIAL PRESENTATIONS (Page 51)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 52)**
- 6. REGULAR AGENDA (Pages 53-64)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 65)**
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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 71)

ADJOURNMENT (Page 72)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to adopt:** a resolution adopting the non-legally binding International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and ensuring that the IHRA working definition of Antisemitism is available as an educational resource for local law enforcement and other government agencies. **SUMMARY:** Florida has seen a 40% increase in Anti-Semitic incidents in 2020, with the largest increases in Miami-Dade, Broward, and Palm Beach Counties. Antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, continues to be a problem in American society. Jews remain a targeted minority in the United States and are the most likely of all religious groups to be victimized by incidents of hate. Palm Beach County seeks to adopt the IHRA Working Definition of Antisemitism and ensure it is available as a resource for local law enforcement and other government agencies responsible for addressing Antisemitism and other forms of discrimination. Countywide (AH)

B. CLERK OF THE CIRCUIT COURT & COMPTROLLER

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

<u>Meeting Date</u>	<u>Meeting Type</u>
May 4, 2021	Regular
May 25, 2021	Workshop

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations; Water Utilities Department; Environmental Resources Department; and the Department of Airports during June, July, August, September, October, November and December of 2020. Countywide (DB)

3. CONSENT AGENDA APPROVAL

B. CLERK OF THE CIRCUIT COURT & COMPTROLLER (Cont'd)

5. Staff recommends motion to:

A) review for sufficiency Report of County Officials Bonds dated June 2021, and

B) receive and file Report of County Officials Bonds dated June 2021.

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:

A) an annual small concrete and pathway construction contract with Almazan Construction, LLC (ACL) in an amount not to exceed \$3,000,000;

B) an annual small concrete and pathway construction contract with West Construction, Inc. (WCI) in an amount not to exceed \$3,000,000; and

C) an annual small concrete and pathway construction contract with All Paving, Inc. (API) in an amount not to exceed \$3,000,000.

SUMMARY: Approval of these contracts will provide the annual construction services necessary for small concrete and pathway construction tasks on an as needed basis throughout Palm Beach County (County). The Affirmative Procurement Initiative selected for these contracts on August 5, 2020 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. ACL contractually agreed to 98% SBE participation. WCI contractually agreed to 20% SBE participation. API contractually agreed to 86% SBE participation. ACL, WCI and API were the lowest responsive bidders of six. These contracts will be in effect for 36 months from the date of approval by the Board of County Commissioners. ACL, WCI and API are all County based and certified SBE companies. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve: a Public Facilities Agreement (Agreement) with Minto PBLH, LLC (Minto) and Seminole Improvement District (SID) for the conveyance of 100' of right-of-way, temporary construction easements and road drainage easements for 60th Street North from Little Gator Lane to Seminole Pratt Whitney Road, and from Seminole Pratt Whitney Road to 140th Avenue North (60th Street ROW). **SUMMARY:** Approval of this Agreement enables Minto to convey the 60th Street ROW to Palm Beach County (County) in accordance with development order R2014-1646 that was adopted by the County on October 29, 2014. The Minto development was incorporated as the City of Westlake after development order R2014-1646 was adopted by the County. The Agreement allows Minto to convey 100' of right-of-way, temporary construction easements and public road drainage easements, through the development's internal drainage system, to provide legal positive outfall for stormwater runoff from the future extension of 60th Street North. SID is an independent special district responsible for irrigation and drainage of lands owned by Minto, and has easements and facilities within the 60th Street ROW that will require future removal or relocation. District 6 (YBH)

3. Staff recommends motion to approve: a contract with Municipal Contractors, Inc. (MCI) in the amount of \$894,568.50 for the construction of the Clint Moore Road at Jog Road Intersection Improvements (Project). **SUMMARY:** Approval of this contract will provide the construction services necessary to add a third through lane in the westbound direction on Clint Moore Road at Jog Road. The Affirmative Procurement Initiative selected for this contract on August 5, 2020 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. MCI contractually agreed to 82.4% SBE participation. MCI was the lowest responsive bidder of eight. The contract time for the Project is 150 calendar days. MCI is a Palm Beach County based company and a certified SBE company. **This Project is included in the Five-Year Road Program.** District 4 (YBH)

4. Staff recommends motion to approve: a contract with Municipal Contractors, Inc. (MCI) in the amount of \$1,913,198.65 for the construction of the Hypoluxo Road and Jog Road Intersection Improvements (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to add a third through lane in the east and west bound directions on Hypoluxo Road. The Affirmative Procurement Initiative selected for this contract on January 20, 2021 by the Goal Setting Committee is a 5% minimum mandatory Small Business Enterprise (SBE) participation. MCI contractually agreed to 51.57% SBE participation. MCI was the lowest responsive bidder of nine after the local preference was applied. The contract time for the Project is 270 calendar days. MCI is a Palm Beach County based company and a certified SBE company. **This Project is included in the Five-Year Road Program.** District 3 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a contract with Municipal Contractors, Inc. (MCI) in the amount of \$1,360,995 for the construction of the Gateway Boulevard and Military Trail Intersection Improvements (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to add a second southbound left turn lane and a new dedicated northbound right turn lane. The Affirmative Procurement Initiative selected for this contract on January 20, 2021 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. MCI contractually agreed to 54% SBE participation. MCI was the lowest responsive bidder of six after the local preference was applied. The contract time for the Project is 240 calendar days. MCI is a Palm Beach County based company and a certified SBE company. **This Project is included in the Five-Year Road Program. District 3** (YBH)

6. Staff recommends motion to receive and file:
 - A)** a premium lighting agreement with Florida Power & Light Company (FPL) for the installation of two premium lighting facilities at the intersection of Acme Dairy Road and Meadow Lake Drive; and

 - B)** a street lighting agreement with FPL for the removal of two lighting facilities, to be replaced by the premium lighting facilities referred to above, at the intersection of Acme Dairy Road and Meadow Lake Drive.

SUMMARY: In accordance with Countywide PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. These agreements were executed by the County Engineer on March 8, 2021, per Resolution R2020-0990. District 5 (YBH)

7. Staff recommends motion to receive and file: a report of plat recordations from October 1, 2020 through March 31, 2021. **SUMMARY:** This report is a bi-annual summary of subdivision plats recorded during the fiscal quarters since the previous report. There were 14 plats recorded during this period. This report is required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. Staff recommends motion to approve: Delivery Order 17058C-110 in the amount of \$276,000 for the storm drainage repairs on Woolbright Road from Seacrest Boulevard to the FEC railroad utilizing Palm Beach County's annual "Crews with Equipment, Rental of" term contract 17-058C (Contract) with Hinterland Group, Inc. (Hinterland). **SUMMARY:** Approval of this delivery order will allow the contractual services necessary to construct the repairs as part of resurfacing Woolbright Road from Congress Avenue to Federal Highway (Project). The proposed work consists of the placement of cured-in-place pipe lining to repair the integrity of the existing storm drainage pipe system. This delivery order utilizes an existing purchasing contract. The Contract was solicited by the Purchasing Department on June 1, 2017, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance at the time. On August 15, 2017, the Board of County Commissioners approved the Contract with Hinterland to provide crews with equipment and materials for countywide drainage projects. The Contract was last renewed on September 1, 2020. Hinterland proposed 15% SBE participation for the Contract and 100% SBE participation for this delivery order. Hinterland has achieved 100% SBE participation for all delivery orders performed under this Contract for a total amount of \$5 million to date. Hinterland is a Palm Beach County based company and an SBE company. The proposed work is needed prior to performing the Project. **The Project is included in the infrastructure sales tax. District 7** (YBH)

9. Staff recommends motion to approve:

A) an annual Construction Engineering Inspection (CEI) professional services contract with Mehta and Associates, Inc. (MAI); and

B) an annual CEI professional services contract with New Millennium Engineering, Inc. (NME).

SUMMARY: Approval of these contracts will provide the professional services necessary for CEI services throughout Palm Beach County on a work task order basis. The contract period for these contracts is 36 months from the date of approval by the Board of County Commissioners. The Affirmative Procurement Initiatives selected for these contracts on November 6, 2019, by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. MAI contractually agreed to 20% SBE participation for the contract. NME contractually agreed to 30% SBE participation for the contract. MAI and NME have Palm Beach County offices. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. Staff recommends motion to:

A) receive and file an interlocal agreement with the City of Boca Raton (City) for joint participation and project funding for construction of utility adjustments for the Palmetto Park Road from SW 7th Avenue to SW 5th Avenue (Project); and

B) approve a budget amendment of \$474,909 in the Road Impact Fee Fund – Zone 5 to recognize reimbursement funding from the City and appropriate it to the Project.

SUMMARY: This agreement is being submitted to the Clerk of the Circuit Court and Comptroller in accordance with Countywide PPM CW-O-051. The agreement was approved by the Deputy County Engineer as a delegated authority in accordance with Palm Beach County Administrative Code Section 404.00. This budget amendment is necessary to reflect the funding from the City for the design to be incorporated into the County's Project. District 4 (YBH)

~~11. **Staff recommends motion to adopt:** a resolution dedicating the Loxahatchee River Road Bridge to Officer Thomas Francis Broedell for his 38 years of service to the Town of Jupiter. **SUMMARY:** Mayor Dave Kerner is sponsoring a request to rename the Loxahatchee River Road Bridge to the Officer Thomas Francis Broedell Bridge. Two dedication signs in honor of Officer Broedell's years of service will be installed at the bridge's east and west approaches. District 1 (YBH)~~

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a third amendment to the contract for Professional Legal Services (third amendment) with Manson Bolves Donaldson Varn, P.A. (MBDV), increasing the not-to-exceed amount to \$200,000. **SUMMARY:** The County Attorney, in accordance with the delegation set forth in Section 305.04 of the Palm Beach County Administrative Code, entered into the contract with MBDV on August 27, 2019 to provide certain legal services related to the U.S. Army Corp of Engineers, Jacksonville District's 2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS 2008), as well as other Lake Okeechobee operations that have the potential to impact the County. The original not-to-exceed amount under the contract was \$50,000. On October 29, 2019, the County Attorney entered into the first amendment to the contract in order to amend the scope of the legal services provided by MBDV to include general issues of Water Law and South Florida Water Management District matters including but not limited to the County's Loxahatchee River Restoration Local Initiative and Mecca Site Evaluation. The first amendment did not modify the original not-to-exceed amount. On July 7, 2020, the Board approved the second amendment to the contract increasing the not-to-exceed amount from \$50,000 to \$100,000. Due to the continuing need to consult with MBDV on general water management issues and additional needs related to the imminent County appeal of the Federal Emergency Management Agency's 2019 Preliminary Flood Insurance Rate Maps and the State Road 7/Northlake Blvd permit challenges, this third amendment increases the not to exceed amount to \$200,000. (MJ)

2. Staff recommends motion to approve: a settlement agreement, inclusive of attorney's fees and costs, in the amount of \$112,500 in the personal injury case styled Maria Campa vs. Palm Beach County Board of County Commissioners, Case No. 502020CA002368XXXXMBAK. **SUMMARY:** This is a personal injury lawsuit arising from a trip and fall incident on a public sidewalk in West Palm Beach. Plaintiff tripped on a raised area of sidewalk causing injuries to her left shoulder resulting in a shoulder replacement surgery. Countywide (SHH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

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

<u>Seat No.</u>	<u>Reappointment</u>	<u>Term Expires</u>
22	Dale Mathis Smith	07/12/24

SUMMARY: The Palm Beach County HIV CARE Council (HIV CARE Council) nomination process is an open process with publicized criteria and legislatively defined conflict of interest standards. Mr. Smith has successfully completed the HIV CARE Council’s nomination process and the HIV CARE Council recommends the appointment. The total membership for the HIV CARE Council shall be no more than 33 at-large members, per Resolution No. 2011-1560. The diversity count for the 23 seats that are currently filled is African-American: 11 (48%), Caucasian: 7 (30%), Hispanic-American: 4 (17%) and Asian-American: 1 (5%). The gender ratio (female: male) is 14:9. Mr. Smith is African–American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Ryan White Program) Countywide (HH)

F. AIRPORTS

1. Staff recommends motion to receive and file: Modification P00006 (Mod 6) to Other Transaction Agreement No. 70T01018T9NCKP023 (R-2018-0382, as amended) (OTA) with the United States of America, acting through the Transportation Security Administration (TSA), extending the period of reimbursement for electric utility charges related to the use of security checkpoints and areas for the screening of passengers, property and baggage at the Palm Beach International Airport (PBI) from June 1, 2021 to May 31, 2022, in the amount of \$127,104.60. **SUMMARY:** The OTA formalizes TSA’s obligations related to the use of security checkpoints and screening areas at PBI, including reimbursement of electrical costs associated with equipment, HVAC, and lighting, plus specialized cleaning related to COVID-19. Mod 6 obligates funding by TSA for reimbursement of electric utility costs through May 31, 2022. Delegation of authority to execute Mod 6 by the County Administrator or designee, the director of Airports, was granted by the Board of County Commissioners on May 4, 2021 (Agenda Item 3F3). Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

2. Staff recommends motion to approve: Amendment No. 1 to the Construction Manager (CM) at Risk Contract (Contract) with Lebolo Construction Management, Inc. (Lebolo) for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department), exercising the first one year renewal option for the continuation of services. **SUMMARY:** The Contract with Lebolo for CM at Risk Services for Miscellaneous Airport Improvements for the Department was approved by the Board on August 20, 2019 (R2019-1222). The Contract is for two years with three one year renewal options and is a task/work order based contract for CM at Risk services for the Department. Lebolo is based in Boynton Beach, Florida. Lebolo along with their S/MBE teaming partner Hatcher Construction & Development, Inc. (Hatcher) were one of two firms selected to provide project management and construction supervision services. The contract value to date is \$177,725.12. Approval of Amendment No. 1 will allow the County, at its sole discretion, to exercise the first one year renewal option for the continuation of services provided under the CM at Risk Contract. The current cumulative S/M/WBE subcontractor participation for all work orders to-date under this contract is 0%. In addition, Lebolo's S/MBE teaming partner, Hatcher, will provide 15% of the Construction Management Fees on future projects to be assigned. Countywide (AH)

3. Staff recommends motion to approve: Amendment No. 1 to the Construction Manager (CM) at Risk Contract (Contract) with Turner Construction Company (Turner) for Airport Improvements for Palm Beach County Department of Airports (Department), exercising the first one year renewal option for the continuation of services. **SUMMARY:** The Contract with Turner for CM at Risk Services for Airport Improvements for the Department was approved by the Board on August 20, 2019 (R2019-1147). The Contract is for two years with three one year renewal options and is a task/work order based contract for CM at Risk services for the Department. Turner is based in New York City, New York; however, the work will be directly managed by its southeast regional office in Miami-Dade County. Turner was one of two firms selected to provide project management and construction supervision services. The contract value to date is \$0, primarily due to the financial impact of the pandemic delaying the Federal/State funding of projects to be assigned to Turner under this contract. Approval of Amendment No. 1 will allow the County, at its sole discretion, to exercise the first one year renewal option for the continuation of services provided under the CM at Risk Contract. The Disadvantaged Business Enterprise goal for this contract is 12%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: the second amendment (Amendment) to Airport Parking Facilities Management Agreement (Agreement) (R2016-0863, as amended) with ABM Parking Services, Inc. (ABM) at the Palm Beach International Airport (PBI); exercising the renewal option extending the term to September 30, 2023, for a management fee of \$149,338 for the first year of the renewal term and \$153,818 for the second year of the renewal term plus reimbursement of approved operating expenses; and updating standard contract provisions. **SUMMARY:** The Agreement provides for management of the public parking facilities and economy parking shuttle services at PBI by ABM. The Agreement expires on September 30, 2021. The Amendment exercises the renewal option, extending the term to September 30, 2023. The Agreement provides for a management fee during the renewal term of \$149,338 for fiscal year 2022, and \$153,818 for fiscal year 2023. Expenses, including employee salaries and benefits, are paid on a reimbursement basis in accordance with an annual budget approved by the Department of Airports (Department), which is projected to be \$1,625,285 for fiscal year 2022. The Amendment clarifies that the ground transportation parking areas are included in the definition of Airport Parking Facilities and the rate at which ABM employees earn paid time off based on ABM's current pay periods; however, the annual maximum number of hours for paid time off remains unchanged. The Amendment requires ABM to perform sanitization of the shuttle buses as required by the Department. The Amendment adds E-Verify language and updates the standard contract provisions, including nondiscrimination and scrutinized companies. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to:

A) receive and file an Award Modification (Modification Number 00001) of Law Enforcement Officer (LEO) Reimbursement Program Other Transaction Agreement (OTA) 70T02021T6114N251 with the Transportation Security Administration (TSA) in the amount of \$220,000 for law enforcement services at Palm Beach International Airport (PBI) for the period commencing April 1, 2021 through December 31, 2021. Delegation of authority for execution of the LEO Agreements was approved by the BCC on August 14, 2012 (R2012-1093); and

B) approve a budget amendment in the Airport's Operating Fund, for the receipt of \$220,000 of funding from the TSA; and an increase to Airport's Reserve in the amount of \$220,000.

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

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$34,316 for the full satisfaction of a code enforcement lien that was entered against Smigiel Partners VII Ltd. on January 5, 2007. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an order on April 5, 2006 for the property owned by Smigiel Partners VII Ltd., providing them until August 3, 2006 to bring their property located at 8543 Boynton Beach Blvd., Boynton Beach, FL into full compliance. The property had been cited for: 1) mobile homes, electrical work, plumbing work, canopy, signage, shade enclosure, paving parking area without permits; 2) Use of nursery, produce, and other business stands without obtaining zoning approval; 3) Outdoor storage of trash and debris, appliances, construction yard, vehicles, RV, trailers, and other miscellaneous items; and 4) Signage not labeled with permit number. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$250 per day was imposed. The CESM then entered a claim of lien against Smigiel Partners VII Ltd. on January 5, 2007. The Code Enforcement Division issued an Affidavit of Compliance for the property on December 19, 2006 stating that the cited code violations had been fully corrected. The total accrued lien amount through April 9, 2021, the date on which settlement discussions began, totaled \$89,166.74. Smigiel Partners VII Ltd. have agreed to pay Palm Beach County \$34,316 (38%) for full settlement of their outstanding Code Enforcement lien. District 5 (SF)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: a Standard License Agreement for Use of County-Owned Property dated May 28, 2021 with Kast Construction Company, LLC, for the installation of a dust screen at the Government Center Parking Garage. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The standard agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee. The Standard License Agreement was approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013. This executed document is now being submitted to the Board to receive and file. (FDO Admin) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Vehicle and Equipment Parts Management and Supply Agreement (Agreement) with Genuine Parts Company d/b/a NAPA (NAPA) for onsite integrated inventory management services for Facilities Development & Operations/Fleet Management Division (FDO/Fleet) and Fire Rescue Support Services (Fire Rescue) from July 22, 2021 through December 29, 2024 at an estimated annual cost of \$6,749,004. **SUMMARY:** NAPA has been providing on-site integrated inventory management services to FDO/Fleet since 2012 (R2012-1322) and then via a new agreement executed in 2015 (R2015-1788) and then restated in 2016 (AIS November 1, 2016 #3H-7) to add similar services for Fire Rescue. The existing agreement with NAPA is set to expire on July 22, 2021, and this new Agreement with NAPA will be from July 22, 2021 through December 29, 2024. Under the Agreement, NAPA will continue to provide to both FDO/Fleet and to Fire Rescue comprehensive in-house store automotive parts functions including the provision of all materials, equipment, parts and supplies required for operation and maintenance with no less than an 80% in-stock availability for all parts requested. The Agreement provides that the County will pay NAPA: (i) 10% above NAPA Product Costs and 9% above Non-NAPA Product Costs (except for parts over \$3,500 the markup is only 5%); and (ii) for operational costs that are included within the annual budget approved by the County during its normal budget process. NAPA will provide on-going review and adjustment of inventory, access to automotive and heavy-duty replacement parts and delivery of non-stocked parts. The inventory will include NAPA Products as well as Non-NAPA Products, based on FDO/Fleet and Fire Rescue's individual requirements. The Agreement is made in accordance with the Palm Beach County Purchasing Code, which authorizes the County to purchase services and supplies from a competitively bid proposal or contract secured by another governmental entity or government-related association, in this case Sourcewell Contract No. 010511-GPC (the Sourcewell Contract). The County chose the Sourcewell Contract to piggyback due to its favorable terms. The Agreement contains local preference language for all parts and products purchased. The new Agreement also contains a Small Business Enterprise price preference for all parts and products purchased. The County's Goal Setting Committee reviewed this contract on March 3, 2021. (FDO/FR/Purchasing) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an annual contract with the following contractor for general minor construction services on an as-needed basis through February 10, 2025:

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
J.I.J. Construction Corp.	Local	S/M/WBE

SUMMARY: On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract (R2020-0142 through R2020-0151). The work consists of construction services associated with repairs, improvements and renovations to County properties. The contractor now joins the list of 22 already prequalified contractors for a total of 23 prequalified contractors with a contract expiration date of February 10, 2025. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$5,000,000. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently 23 have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. This annual contract was presented to the Goal Setting Committee on August 21, 2019. The Committee applied the following three Affirmative Procurement Initiatives: 1) sheltered market for projects under \$100,000; or 2) a small business enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid on a single trade project over \$100,000; or 3) a mandatory 25% SBE subcontracting goal for a multi-trade project over \$100,000. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. Current cumulative S/M/WBE participation for all work orders to-date under the minor annual contract is 88.64%. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: annual contracts with the following contractors for painting and weatherproofing services on an as-needed basis through April 9, 2023:

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
A) A to Z Paint Contracting, Inc.	Local	S/WBE
B) Premier Quality Builders Corp.	Local	Non-SBE

SUMMARY: On April 10, 2018, the Board of County Commissioners approved the annual painting and weatherproofing contract (R2018-0392 thru R2018-0396). The work consists of painting and weatherproofing services on an as needed basis. The contractors now join the list of 15 already prequalified contractors for a total of 17 prequalified contractors with a contract expiration date of April 9, 2023. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$2,500,000 across all prequalified contractors. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently 17 have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. The painting and weatherproofing annual contract was last presented to the Goal Setting Committee on March 4, 2020 and the Committee established Affirmative Procurement Initiatives of sheltered market for projects under \$100,000 or price preference for Small Business Enterprise contractors if their bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. Current cumulative S/M/WBE participation for all work orders to-date under the painting and weatherproofing annual is 71.44%. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Work Order No. 21-034 to the annual roofing contract with Hi-Tech Roofing & Sheetmetal, Inc. (Contractor) (R2020-1696) in the amount of \$800,735 for the Emergency Operations Center (EOC) Roof Replacement project for a period of 120 days from permit issuance or until project is complete. **SUMMARY:** The work consists of removing the existing built up roof system down to the concrete deck and installing a new built up roofing system with insulation. The construction phase services for the EOC Roof Replacement Project was initially slated to commence prior to the beginning of hurricane season, which started on June 1. However, a protest to the bid award was filed on March 24, 2021 and the Purchasing Director's determination to uphold the award was issued on May 4, 2021. Receipt and processing of the protest to the bid award resulted in an overall delay to the project implementation schedule. Said delay would now potentially result in work taking place during the midst of the hurricane season, which is a source of concern considering the critical role the EOC plays during emergency operations. Therefore, staff concluded that construction phase services should commence immediately after hurricane season. Accordingly, upon receiving authorization from the Board, Facilities Department has coordinated with the Contractor to submit for permits and procure long lead-time materials to be received no later than December 1, 2021. The County will hold an owner's contingency of 3% (to be used only if needed) for possible increases in material costs resulting from a December 1st materials receipt and construction commencement date. The Contractor has agreed to assume the cost of any increases in material costs above 3%. The existing roof at the EOC is more than 25 years old, and requires frequent repairs. A complete roof replacement is required to maintain operations, a weather tight building, and a safe environment. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. This work order was solicited pursuant to the annual roofing contract and the requirements of the Equal Business Opportunity Ordinance. The annual contract was last presented to the Goal Setting Committee on July 15, 2020 and the Committee established Affirmative Procurement Initiatives (API) of sheltered market for projects under \$100,000 or a Small Business Enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-SBE bid for projects over \$100,000. Since this project was over \$100,000, the SBE price preference API was applied. The Contractor is a certified SBE and committed to 100% SBE participation on this work order. The overall SBE participation on the annual roofing contract is 64.14%. The Contractor is a local business. Funding for this project is from the Public Building Improvement fund. (Capital Improvements Division) District 2 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to receive and file: Change Order No. 11 to the contract with Rosso Site Development, Inc. (R2020-0427) in the amount of \$5,491.25 for the John Prince Park Campground-Phase II Infrastructure & Bathhouse project with an increase to the project duration of 28 calendar days. **SUMMARY:** Change Order No. 11 consists of providing and installing metal furring to the bottom of the roof trusses for the installation of the high rib metal lath required for the interior ceilings of the new bathhouse with an increase to the project duration of 28 days. To date, the cumulative number of days added to the project, including Change Order No. 11, totals 145 days. In accordance with Policy and Procedure Manual (PPM) CW-F-050, when the cumulative value of changes for time extensions to a project totals or exceeds 120 days of the original project completion date, an agenda item notifying the Board of County Commissioners (Board) of the item that puts the cumulative value in the excess category must be presented as a receive and file. This agenda item is being submitted to notify the Board that Change Order No. 11 puts the cumulative value of changes for time extensions in excess of the 120 days threshold established by PPM CW-F-050. This contract was solicited pursuant to the requirements of the Equal Business Opportunity Ordinance. On December 4, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of 25% Small Business Enterprise (SBE) subcontracting participation. The prime contractor is a SBE and a local business. The original SBE participation on this project was 56.35% SBE participation. The SBE participation for this change is 6.71%. To date, the revised SBE participation on this project, after an adjustment for Change Order No. 11, is 56.73%. **Funding for this contract is from Park Impact Fees Z-3.** (Capital Improvements Division) Countywide/District 3 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Work Order No. 21-009 to the annual Heating, Ventilation, and Air Conditioning (HVAC) contract with D.A.C. Air Conditioning Corp. (Contractor) (R2020-0231) in the amount of \$231,207 for the Water Utilities Department (WUD), Water Treatment Plant #3 – Exhaust Fans Replacement project for a period of 180 calendar days from the delivery of the equipment or until project is complete. **SUMMARY:** The work consists of furnishing the labor, equipment, and materials needed to remove and replace 25 existing roof exhaust/supply fans, roof curbs, lightning protection system and 1 air intake vent at 6 buildings located at Water Treatment Plant #3. The existing exhaust fans are more than 15 years old and require frequent repairs. The new exhaust fans are of the latest technology to provide for efficient operation and ease of maintenance. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. This work order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity Ordinance. The annual contract was last presented to the Goal Setting Committee on March 4, 2020 and the Committee established Affirmative Procurement Initiatives (API) of sheltered market for projects under \$100,000 or a Small Business Enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-SBE bid for projects over \$100,000. Since this project was over \$100,000, the SBE price preference API was applied. The Contractor is not a certified SBE but submitted 12.37% SBE participation on this work order. The overall SBE participation on the annual HVAC contract is 30.6%. The Contractor is not a Palm Beach County business. Funding for this project is from the WUD Operations and Maintenance fund. (Capital Improvements Division) District 5 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 4 to the annual structural engineering services contract with Alan Gerwig & Associates, Inc. (Consultant) (R2020-0547) in the amount of \$117,484.46 to provide structural engineering services for the Water Utilities Department (WUD) Shade Structures at the Central Region Operation Complex (CROC) and Water Treatment Plant (WTP) # 9 project. **SUMMARY:** On June 2, 2020, the Board of County Commissioners (Board) approved the contract with the Consultant to provide annual structural engineering services. CSA No. 4 to the annual contract authorizes professional services for the construction of pre-engineered shade structures over an outdoor storage area housing pump equipment at the CROC located at 8100 Forest Hill Blvd, West Palm Beach and over the flush system tank pad at WTP #9 located at 22530 S.W. 65th Ave, Boca Raton. The sump pumps are aging at an advanced rate, which staff suspects is due to their constant exposure to the sun. Additionally, the overhead crane/lift system will be installed under the shade structures for ease of maintenance and for safety reasons, as these pumps are large and heavy. On April 3, 2019, the Goal Setting Committee established an Affirmative Procurement Initiative for this annual contract of a mandatory 20% Small Business Enterprise (SBE) subcontracting goal. The consultant committed to an SBE participation goal of 90% for the annual contract. SBE participation on this CSA is 54.84%. To date the overall SBE participation on this continuing contract is 66.12%. The Consultant is a certified SBE and a local business. Anne Gerwig is a 1% owner of Alan Gerwig & Associates; Ms. Gerwig serves on the Citizens Advisory Committee on Health and Human Services, which is a purely advisory committee of the Board of County Commissioners. The Citizens Advisory Committee provides no regulation, oversight or policy setting recommendations regarding this contract, which was procured competitively. This disclosure is made pursuant to Section 2-443(d) of the Palm Beach County Ethics Code. The funding source for this project is from the WUD Operations and Maintenance fund. (Capital Improvements Division) Districts 2 & 5 (LDC)

9. Staff recommends motion to approve: a Utility Easement Agreement (Easement) in favor of Florida Power & Light (FPL), for underground electrical services and an above ground pad-mounted transformer to service Palm Tran South County Facility. **SUMMARY:** Palm Tran recently completed the expansion of its South County Facility (Facility) located at 100 North Congress Avenue in Delray Beach which includes the addition of employee and bus parking areas and expansion of the existing maintenance and administration facilities. During the current development of the Facility, underground electric services and an aboveground pad-mounted transformer were installed. A non-exclusive utility easement will be granted to FPL at no charge, as the electrical improvements will only service the Facility. The easement area varies in length and is approximately 10 to 12 feet in width, containing approximately 8,402 square feet (0.193 acres). (Property & Real Estate Management) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a Utility Easement Agreement (Easement) in favor of Florida Power & Light (FPL), for underground electrical services and an above ground pad-mounted transformer to service the Loggerhead Marine Life Center (Center). **SUMMARY:** The Center leases 2.39 acres for their scientific research and rehabilitation center for sea turtles within Loggerhead Park in Juno Beach. During the current development of the Center, underground electric services and an aboveground pad-mounted transformer were installed. A non-exclusive utility easement will be granted to FPL at no charge, as the electrical improvements will only service the Center. There are three easement areas that vary in length and are approximately ten feet in width, containing approximately 12,305 square feet (0.282 acres) combined. (Property & Real Estate Management) District 1 (HJF)

11. Staff recommends motion to approve: a Utility Easement Agreement (Easement) in favor of Florida Power & Light (FPL) for underground electrical services and an above ground pad-mounted transformer to service the Lake Village at the Glades shelter in Pahokee (Facility). **SUMMARY:** The Facility is a recently renovated 42-unit apartment complex located at 1749 East Main Street No. 101 in Pahokee. Electrical services to the Facility are currently provided via an overhead power line. In order to provide a more reliable utility service, FPL will install an aboveground pad mounted transformer along with underground electrical services to serve the Facility. Upon installation and energizing of the new services, the existing utility poles/lines will be removed by FPL at no cost to the County. A non-exclusive utility easement will be granted to FPL at no charge, as the electrical improvements will only service the Facility. The easement area is ten feet by 10 feet, containing approximately 100 square feet (0.002 acres). (Property & Real Estate Management) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve:

A) a contract with Verdex Construction LLC to provide Construction Manager at Risk (CMAR) services for the new Mosquito Control Division Compound project for a period of service that shall continue until the construction achieves final completion; and

B) Task Order No. 1 with Verdex Construction LLC for preconstruction services in the amount of \$64,774.

SUMMARY: The Mosquito Control Division Compound project is to be located on an approximately 5.86 acre site at the intersection of Lantana Road and 95th Avenue South in unincorporated Lantana. The project entails a new chemical storage building, office/lab building, a fuel island, surface parking for deliveries, visitors and employees, site clearing and infrastructure improvements to facilitate the construction of the new buildings and required site amenities. Preconstruction services shall consist of validating constructability, cost estimating, procurement services and the development of the guaranteed maximum price (GMP). The facilities will be constructed in two phases; construction phase services shall be authorized through amendments to the contract, which will be submitted to the Board of County Commissioners (Board) for approval. The solicitation for a construction manager (CM) was advertised on January 17, 2021 according to the Equal Business Opportunity Ordinance (EBO), with the final selection on April 22, 2021. The project was presented to the Goal Setting Committee on November 18, 2020. The Committee established Affirmative Procurement Initiatives (API) of evaluation preferences of up to five points for mentoring a CM/Small Business Enterprise (SBE) partner and up to ten points for an SBE participation plan. The CM is not an SBE, but has subcontracted with Cooper Construction Management and Consulting, Inc. a Small/Minority Business Enterprise M contractor, for construction management services in an amount no less than 20% of the contracted preconstruction and construction services as well as 20% of the CM fees. The CM has committed to a 20% SBE participation goal for Task Order No. 1. The CM is on notice that all GMP amendments issued pursuant to this contract will be subject to the requirements of the EBO Ordinance including requesting an API to be set prior to bidding the construction subcontracts. The CM is a local business. The funding source for this project is from the Public Building Improvement fund. (Capital Improvements Division) Countywide/ District 3 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. Staff recommends motion to approve: a second amendment to Use Agreement with the Palm Beach County Sheriff's Office (PBSO) for use and occupancy of one additional boat slip at both DuBois Park and Phil Foster Park. **SUMMARY:** On September 15, 2009 (R2009-1502), the Board of County Commissioners approved a Use Agreement with PBSO's Marine Unit for use and occupancy of boat slips at DuBois Park, Ocean Inlet Park and Phil Foster Park. PBSO requested use and occupancy of one additional boat slip at both DuBois Park in Jupiter and Phil Foster Park in Riviera Beach. At its expense, PBSO will also construct boatlifts for the new boat slips at each Park. This second amendment to the Use Agreement will provide PBSO's Marine Unit an additional boat slip at both Dubois Park and Phil Foster Park. The County's Parks and Recreation Department supports PBSO's use of the additional slip at each Park. (Property & Real Estate Management) Districts 1 & 7 (HJF)

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

A) approve the transfer of an approved Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$326,954 from Autumn Ridge, LLC to Autumn Ridge Apartments Ltd.; and

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

SUMMARY: On October 6, 2020 the BCC approved an award of \$326,954 to Autumn Ridge, LLC for the Autumn Ridge Apartments project (Project). On April 28, 2021, the Department of Housing and Economic Development was informed of a change in the proposed structure of ownership of the Project. Staff recommends the \$326,954 continue to be provided as a credit for impact fees associated with the project. Autumn Ridge Apartments Ltd., will be given credits for Roads Zone 2 Impact Fees (\$310,474) and Public Building Impact Fees (\$16,480) for the construction of the Project. Autumn Ridge Apartments Ltd., will pay impact fees above the allocated \$326,954. The Project entails construction of a 106 multifamily unit apartment building located at 1580-1610 North Congress Avenue in West Palm Beach. According to IFAHAP requirements, all units will be for rent to elderly persons with incomes no greater than 140% of Area Median Income. The assisted units will be restricted to remain affordable for 30 years. **These funds are from interest earned by the Impact Fee Fund.** District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) a budget transfer of \$202,600 in the Housing and Community Development Fund;

B) a budget amendment of \$77,600 in the Public Building Fund for the Pahokee Gymnasium Project; and

C) a budget amendment of \$125,000 in the Capital Improvement Fund for the Town of Lake Clarke Shores to recognize the transfer.

SUMMARY: On August 25, 2020 the Board of County Commissioners (BCC) approved an allocation of Community Development Block Grant (CDBG) funds for the Town of Lake Clarke Shores to support the installation of a 12-inch potable water main extension on the west side of Lawrence Road to serve the residences in the unincorporated Seminole Manor Target Area and Maralago Cay Mobile Home Park. Also approved was an additional \$77,600 allocation for the Pahokee Gymnasium Project. Existing CDBG funding of \$750,855 was approved by the BCC on October 9, 2020. The revised total allocation of funding for the Pahokee Gymnasium Project is \$828,455. The Memorandum of Understanding with Palm Beach County Department of Facilities Development and Operations (FDO), the Palm Beach County Water Utilities Department (WUD) and the Department of Housing and Economic Development require that an interdepartmental budget transfer be established to reimburse FDO and WUD for eligible project costs. WUD entered into an inter-local agreement with the Town of Lake Clarke Shores for the construction of the water main project and awarded a construction contract, which was approved on June 15, 2021. The budget transfer and amendments are necessary to appropriate the required funds. **These are CDBG funds and require no local match. Districts 3 & 6 (HJF)**

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: appointment of two members to the Historic Resources Review Board (Board):

<u>Appointment</u>	<u>Seat</u>	<u>Requirement</u>	<u>Recommended By</u>	<u>Term</u>
Rose Guerrero	7	Archaeologist/ Historian	Mayor Kerner Vice Mayor Weinroth Commissioner McKinlay Commissioner Bernard Commissioner Weiss	7/13/21 – 7/15/24
Meredith Ellis	6	Anthropologist	Vice Mayor Weinroth Commissioner McKinlay Commissioner Bernard Commissioner Weiss	7/13/21 – 6/10/22

SUMMARY: The Unified Land Development Code (ULDC) Article 2.G.3.H provides for the membership of the Board. The term of office of each member is for three years. Board seats are at-large positions appointed by the Board of County Commissioners (BCC). The Planning Division forwarded a memo (dated April 21, 2021) and forms to the BCC notifying the Board of the vacancies, and requesting nominations. A total of five responses were received. The Board has 9 seats, 6 currently filled, and 3 vacancies, and a diversity count of Caucasian: 6 (100%). The gender ratio (male: female) is 2:4. The nominees are Rose Guerrero and Meredith Ellis, who are Caucasian females. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Board’s Diversity. Unincorporated (RPB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Work Authorization (WA) No. 3 to the Continuing Contract for Wastewater Gravity Lines and Manhole Rehabilitation (Contract) with Hinterland Group Inc., (Hinterland) for the Gravity Main and Manhole Rehabilitation (Project) in the amount of \$3,058,844.70. **SUMMARY:** On February 5, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0216) with Hinterland. WA No. 3 provides for the rehabilitation of approximately 65,500 linear feet of existing wastewater gravity pipelines of the basins 101, 300, 301, 302, 304, 305, 306, 307, 310, 312, 313, 314, 315, 318, 321, 322, 323, 950, 962, 963, 971, 972, 973, 978, and 994 within the City of West Palm Beach, City of Lake Worth Beach, City of Boynton Beach, City of Delray Beach and the City of Boca Raton. The required work will include cleaning of the wastewater gravity pipelines and manholes, video inspection, and rehabilitation of the pipelines and manholes where necessary. The Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established by the 2002 SBE Ordinance was 15% overall participation. The Contract provides for 91.84% SBE participation. WA No. 3 includes 100% SBE participation. The cumulative SBE participation including WA No. 3 is 100%. Hinterland is a Palm Beach County based company. The Project is included in the PBCWUD FY21 budget (PBCWUD Project 21-018) Districts 3, 5, & 6 (MJ)

2. **Staff recommends motion to approve:** contract with TLC Diversified, Inc. (TLC) for the Improvements to Master Repump Station 9-North (Project) in the amount of \$3,127,777. **SUMMARY:** On March 25, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received four bids for the Project. TLC was determined to be the lowest responsive and responsible bidder. The contract includes furnishing all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to rehabilitate Master Repump Station 9-North. Work includes mechanical, electrical, and civil rehabilitation including a new pump, piping, valve replacements, instrumentation, control panels, electrical switchgear, drives, a new standby generator, temporary bypass pumping, appurtenances, and all work indicated in the drawings and technical specifications. This contract was procured under the requirements of the Equal Business Opportunity Ordinance. On January 20, 2021 the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) participation. TLC has met the established API for this contract. The contract provides for 20.87% SBE participation. TLC is headquartered in Palmetto, FL, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 18-036) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to receive and file: two executed Standard Potable Water and Wastewater Development Second Renewal Agreements; two Standard Potable Water & Wastewater Development Renewal Agreements for the month of March 2021; and an executed Change Order (CO) No. 5 for the Water Treatment Plant Nos. 2, 3, 8, & 9 System-Wide Well Improvement Project Phase 2 with All Webbs Enterprises, Inc. (All Webbs).

A) Standard Potable Water and Wastewater Development Renewal Agreement with Mattamy Palm Beach, LLC SDA #01-01232-001 (District 2), Recorded in OR BK 32260 PG 0728;

B) Standard Potable Water and Wastewater Development Renewal Agreement with Toll FL I, LLC SDA #09-01075-000 (District 5), Recorded in OR BK 32299 PG 0603;

C) Standard Potable Water and Wastewater Development Second Renewal Agreement with Boca Raton Associates VII, LLLP SDA #09-01051-001 (District 5), Recorded in OR BK 32299 PG 0591;

D) Standard Potable Water and Wastewater Development Second Renewal Agreement with Principal Development Group, LLC SDA #03-01021-002 (District 5), Recorded in OR BK 32299 PG 0597; and

E) CO No. 5 for the Water Treatment Plant Nos. 2, 3, 8 & 9 System-wide Well Improvement Project Phase 2 (Project) with All Webbs in the amount of \$33,000 and for an additional 22 calendar days project time extension.

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: Work Authorization (WA) No. 7 to the contract for Optimization and Improvements Design-Build (Contract) with Cardinal Contractors, Inc. (Cardinal) for the Water Treatment Plant (WTP) No. 3 and SROC Electrical Improvements for a Guaranteed Maximum Price in the amount of \$3,464,500. **SUMMARY:** On January 15, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0100) with Cardinal. WA No. 7 provides for the design and construction of various electrical improvements at WTP No. 3 and Southern Regional Operation Center. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Ordinance on October 16, 2018. The SBE participation goal established by the 2002 SBE Ordinance was 15% overall participation. The Contract provides for 31% SBE participation which includes 21% M/WBE participation, 16% MBE (H) and 5% MBE (O). WA No. 7 includes 70.30% SBE, 16.99% M/WBE participation, 10.67% (B), and 6.31% MBE (O). The cumulative SBE participation including WA No. 7 is 40.02%, which includes 10.48% M/WBE, 4.81% MBE (B), and 5.66% MBE (O). Cardinal is headquartered in Sunrise, Florida but maintains an office in Palm Beach County from which the majority of the work under WA No. 7 will be undertaken. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 21-054) District 5 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: Amendment No. 1 to the State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 19PB16 (Agreement), for the South Jupiter Hurricane Irma Recovery Project (Project), extending the Agreement for a one year period beginning on November 15, 2020 and expiring November 15, 2021. **SUMMARY:** On August 20, 2019, the Board of County Commissioners approved the Agreement (R2019-1179) providing reimbursement of design, permitting and construction funds for an amount not to exceed \$60,545, expended by the County on restoration of the South Jupiter Dune Project, beginning September 12, 2017 and expiring November 15, 2020. Delegated authority to the County Administrator or designee to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement was approved at that time. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. District 1 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to receive and file: amendment to Lease Agreement (R2014-0522) (Agreement), with the City of Lake Worth Beach, for the management of the Jewell/Steinhardt Cove Living Shoreline for a 99-year lease term. **SUMMARY:** On April 15, 2014, the Board of County Commissioners (BCC) approved the Agreement to complete environmental restoration and manage the 13-acre site. At that time, the BCC authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. The City's Charter provides for a maximum term of 20 years on all leases and agreements, therefore the initial term of the lease agreement was for 19 years, 11 months. In order to preserve the restored habitat, in 2015, the County and City of Lake Worth Beach partnered with Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission to construct the Jewell/Steinhardt Cove Living Shoreline at a cost of approximately \$394,000. The City placed a referendum before the registered voters during the March 17, 2020 primary elections. The 99-year term lease was approved by the voters and the results of the election were certified at the March 19, 2020 Special Commission Meeting. In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. District 3 (SS)

3. Staff recommends motion to receive and file: Amendment No. 1 to the State of Florida, Department of Environmental Protection Standard Grant Agreement No. T1803 (Agreement), for Royal Palm Beach Pines Trail System Project (Project), in order to revise Attachment 3, the Grant Work Plan, and to extend the Agreement termination from July 1, 2021 to July 1, 2022. **SUMMARY:** On June 18, 2019, the Board of County Commissioners approved the Agreement (R2019-862) and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment No. 1 revises Attachment 3, the Grant Work Plan and extends the Agreement for a one-year period to begin July 1, 2021, and remain in effect until July 1, 2022. The one-year time extension was needed due to the additional time it took Environmental Resources Management to overcome contracting complications and a limited construction window between March and May during dry season conditions with low water levels in the seasonal wetland. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. District 6 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. **Staff recommends motion to receive and file:** Amendment No. 1 to the State of Florida, Department of Environmental Protection (FDEP) Agreement No. 18PB4 (Agreement), for Ocean Ridge Shore Protection Project (Project), in order to extend the Agreement termination from September 1, 2020 to December 15, 2022. **SUMMARY:** The Project consists of renourishment of 1.08 miles of beach in Ocean Ridge for the maintenance of coastal storm protection, recreational space, and sensitive environmental habitat restoration. The Agreement provides up to \$100,000 cost share for permit-required biological and physical monitoring associated with the Project. On May 1, 2018, the Board of County Commissioners approved the Agreement (R2018-0676) and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment No. 1 extends the Agreement for a 28-month period to begin September 1, 2020, and remains in effect until December 15, 2022. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. District 4 (SS)

5. **Staff recommends motion to receive and file:** Amendment No. 1 to the State of Florida, Department of Environmental Protection (FDEP) Agreement No. 19PB3 (Agreement), for Ocean Ridge Shore Protection Project (Project), in order to extend the Agreement termination from December 15, 2020 to December 15, 2022. **SUMMARY:** The Project consists of renourishment of 1.08 miles of beach in Ocean Ridge for the maintenance of coastal storm protection, recreational space, and sensitive environmental habitat restoration. The Agreement provides up to \$102,600 cost share for planning, engineering, and design tasks associated with the next planned nourishment in FY 2026. On August 14, 2018, the Board of County Commissioners approved the Agreement (R2018-1213) and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment No. 1 extends the Agreement for a two-year period to begin December 15, 2020, and remain in effect until December 15, 2022. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. There is no cost to the County. District 4 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to approve: Interlocal Agreement (Agreement) between Palm Beach County (County) and Town of Jupiter (Town) for North County Comprehensive Shore Protection Project (Project). **SUMMARY:** This Agreement establishes a long-term funding agreement with the Town for the Project, establishing a 10% Town share of eligible project costs. This cost share represents a 20% municipal contribution toward expenses for monitoring sections of the beach within the project that are not owned or managed by the County. The Town's annual allocation is capped at \$250,000 until the agreement expiration on September 30, 2050. The not to exceed amount of \$950,000 for fiscal year 2022 will cover costs associated with the renourishment of Segment 1 of the Project (Jupiter/Carlin), scheduled to begin as early as November 2021. District 1 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to approve:

A) an annual contract with Poseidon Dredge & Marine, Inc. (Contractor A) not to exceed \$6,941,649.96 providing construction services for Palm Beach County Inshore Annual Construction (Federalized), Project No. 2021ERM02 for a period of two years;

B) an annual contract with Arbor Tree & Land, Inc. (Contractor B) not to exceed \$8,496,382.20 providing construction services for Palm Beach County Inshore Annual Construction (Federalized), Project No. 2021ERM02 for a period of two years; and

C) an annual contract with Coston Marine Services, Inc. (Contractor C) not to exceed \$8,616,223.47 providing construction services for Palm Beach County Inshore Annual Construction (Federalized), Project No. 2021ERM02 for a period of two years.

SUMMARY: These contracts will provide for the construction of inshore estuarine habitats including seagrass, mangrove, oyster, or artificial reef in the estuarine waters of Palm Beach County (County) and at the County's discretion through multiple work orders, issued on an as-needed basis. The initial contract term is two years, which may be extended for an additional one year upon approval by the Board of County Commissioners. Three sealed bids were received by the Department of Environmental Resources Management (ERM) on May 10, 2021. ERM recommends award to three contractors to provide capacity for multiple, concurrent projects and retain flexibility that is advantageous to the County when awarding work orders. Poseidon Dredge & Marine, Inc., a Lantana, Florida company, was the lowest responsive, responsible bidder. Arbor Tree & Land, Inc., a West Palm Beach, Florida company, and Coston Marine Services, Inc., a Jupiter, Florida company, were the next lowest responsive, responsible bidders. The projects to be constructed under these contracts include potential Federal funding or reimbursement in all project areas. Federal rules prohibit local geographical preferences in construction procurements involving federal funds, so the County's Office of Equal Business Opportunity Program, Local Preference, Glades Local Preference, Glades Resident Incentive, and Apprentice Incentive could not be included in this competitive solicitation. Districts 1, 2, 4 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve: an agreement with the Loxahatchee Battlefield Preservationists, Inc. for the mutual use and operation of Loxahatchee River Battlefield Park (Park). The term of this agreement is for one year effective on the date of execution and shall be automatically renewed up to ten years unless either party provides written notice of intent to terminate the agreement. **SUMMARY:** The Loxahatchee Battlefield Preservationists, Inc. (Corporation) is a 501(c)(3) non-profit organization whose mission is to preserve, enhance and protect the Park. The Parks and Recreation Department and Corporation have been informally working together for over ten years and wish to formally define their respective cooperation roles. By entering into this agreement, the collaborative partnership will be formalized and the Parks and Recreation Department can focus on the programming, management and operation of the park as a whole. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to receive and file: the following five executed Independent Contractor Agreements and three Independent Contractor Termination letters:

A) Coralytes LLC, US Synchronized Swimming Coach at Aqua Crest Pool, for the period of May 1, 2021 through September 30, 2021 in an amount not to exceed \$19,840;

B) LB2 Enterprises, Inc., d/b/a Palm Beach Masters, US Masters Swimming Coach at North County Aquatic Complex, for the period of May 1, 2021 through September 30, 2021 in an amount not to exceed \$48,000;

C) Kiril Zahariev, USA Swimming Coach at North County Aquatic Complex, for the period of May 1, 2021 through September 30, 2021 in an amount not to exceed \$87,660;

D) LB2 Enterprises, Inc., d/b/a Palm Beach Masters, US Masters Swimming Coach at Aqua Crest Pool, for the period of May 1, 2021 through September 30, 2021 in an amount not to exceed \$36,000;

E) Janet Troy Labanara, Aqua Motion Fitness Classes at Gleneagles Therapeutic Recreation Complex Pool, for the period of June 1, 2021 through September 30, 2021 in an amount not to exceed \$2,000;

F) a Termination letter, terminating the agreement R2020-1823 and R2020-1828 between the County and LB2 Enterprises, Inc effective May 1, 2021;

G) a Termination letter, terminating the agreement R2020-1827 between the County and Kiril Zahariev, effective May 1, 2021; and

H) a Termination letter, terminating the agreement R2020-0071 between the County and Coralytes LLC, effective May 1, 2021.

SUMMARY: The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator and Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168, 2017-0822 and 2021-2049. The Department is now submitting these agreements 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. The termination letters were required due to significant changes to the standard contract language including updated exhibits and revisions to fees charged to participants that are collected by the contractor. The termination letters are now being submitted to the BCC as a receive and file. Districts 1, 3 & 7 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. [Staff recommends motion to approve:](#) a downward budget amendment of \$251,775 in the County Library Fund to reconcile the State Aid to Libraries Grant Budget to the actual award amount. **SUMMARY:** The State Aid to Libraries Grant Agreement was approved by the Board of County Commissioners and executed on October 20, 2020, (R2019-1384). The original budget estimate based on the prior year award was \$1,007,606. Due to a sizeable decrease in funding, all Florida libraries saw a decrease. Notification by the State of the Grant Award was issued to the County Library on March 21, 2021. A final Grant Award for \$755,831 was issued to the County Library on May 23, 2021 to begin on that date and end when funds are fully expended, which is anticipated to be on or before June 30, 2021. The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. The downward budget amendment is necessary to reconcile the State Aid to Libraries Grant Budget to the actual award amount. There are no matching funds for this grant. Estimated State Aid revenue was included in the County Library's FY 2021 budget. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. [Staff recommends motion to:](#)
 - A) accept** the donation of \$115,000 from the Friends of the Mounts Botanical Garden, Inc. (Friends) to fund the costs associated with hosting the traveling art exhibit sculptures known as Nature POP!, by Imagine Exhibitions, Inc.; and
 - B) approve** the donation of \$2,210 for PBC Art in Public Places Administrator (AiPPA) fees for assistance with exhibit curation, contract management, and coordination with Risk Management; and
 - C) approve** a budget amendment in the Cooperative Extension Revenue Fund (Fund 1482) in the amount of \$117,210.

SUMMARY: The Friends voted for Palm Beach County to host and display Artist Sean Kenney's Nature POP! art exhibition at the Mounts Botanical Garden of Palm Beach County (MBG). The \$117,210 donation is to pay the costs associated with hosting the Nature POP! exhibit at the MBG from January 16, 2022 through May 16, 2022 and fees associated with the AiPPA role. These costs include payment of the artist, shipping of the exhibit, installation costs, and an AiPPA fee. The AiPPA fee of \$2,210 includes exhibition curation, Risk Management coordination, and contract administration. District 7 (AH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) ratify the Mayor's signature on State E911 Board Grant Program application for \$583,675 to purchase and install 911 Call Handling Equipment for the Florida Highway Patrol (FHP) Lake Worth Regional Communications Center (LWRCC); and

B) authorize the County Administrator or designee to execute the grant award and any associated amendments, execute the interlocal agreement and any associated amendments utilizing funds from the State E911 Board grant award, and submit electronic reports after approval of legal sufficiency by the County Attorney's Office and within budget allocations.

SUMMARY: The Public Safety Department, 911 Program Services Division, is responsible for deploying and maintaining the technical infrastructure that provides the communications network and call taking equipment at the Public Safety Answering Points (PSAP) across Palm Beach County. This grant is for two years in the amount of \$583,675 to purchase and install 911 call handling equipment at the FHP LWRCC which will create a secondary PSAP in the Palm Beach County 911 network. This equipment will allow FHP to receive voice, text, and critical location information from 911 callers who travel I-95, the Florida Turnpike and all areas covered by FHP in Palm Beach County; which will improve response times during emergencies. The State E911 Board State Grant Program application was not provided until March 2, 2021. Therefore, the Mayor's signature was requested to meet the April 23, 2021 application deadline. No County matching funds are required for this grant. Countywide (JW)

2. Staff recommends motion to approve: a contract for Professional Services in the area of veterinary and medical services with Dr. Linda Gregard, DVM PLLC, for relief veterinary services at the main shelter in an amount not to exceed \$50,000 for the period retroactive to June 1, 2021, through May 31, 2022. **SUMMARY:** The Animal Care and Control Division is required to provide appropriate and necessary veterinary services for sheltered animals. The relief veterinarian will enable staff to maintain an acceptable number of veterinarians to handle the volume of animals processed, especially during periods of high influx. This contract is retroactive to June 1, 2021 in order to cover the costs of services provided. Due to unexpected delays, the contract was not renewed prior to expiration. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to approve: a contract for professional/consultation services in the area of veterinary and medical services with Tri-County Humane Society, Inc. for spaying/neutering at risk cats as part of the Countdown 2 Zero (C2Z) initiative in an amount not to exceed \$50,000 for the period July 13, 2021 through July 12, 2022. **SUMMARY:** On February 4, 2014, the C2Z program (R2014-0193) was approved creating a ten-year goal to end euthanasia of adoptable cats and dogs. Spaying/neutering at risk animals is part of the overall C2Z program to reduce and/or eliminate euthanasia. The County currently has one agreement with Peggy Adams Animal Rescue League for outsourcing sterilization services. Under this contract, Tri-County Humane Society, Inc. will sterilize at-risk community cats in the southern region of Palm Beach County to include spaying/neutering, microchipping, vaccinating against rabies and ear tipping. Currently, no low cost or free services for sterilization of community cats exist in the south County area. This contract will provide sterilization services to 1,000 cats at \$50 per cat. Once these services are provided, the cats are returned to their original location by caregivers, volunteers, or Tri-County Humane Society, Inc. Countywide (SF)

4. Staff recommends motion to:

A) receive and file the Emergency Medical Services (EMS) County Grant ID Code C9050 Award Letter from the State of Florida Department of Health, Bureau of EMS to improve and expand the EMS system for the period May 12, 2021 through March 25, 2022, in the amount of \$147,932; and

B) approve a downward budget amendment of \$8,061 in the EMS Grant Fund to adjust the budget to reflect the actual grant award of \$147,932.

SUMMARY: The EMS County Grant (CSFA #64.005) is an annual grant provided to Palm Beach County from the Florida Bureau of EMS, to improve and expand the EMS system. The funds are used to purchase EMS equipment which is distributed to EMS providers and other agencies that are eligible for EMS grant funding. On ~~November 19, 2019, R2019-1801~~ May 4, 2021, R2021-0601 authorized the County Administrator to sign the ~~FY2019-2020~~ FY2020-2021 annual EMS county grant application. No county matching funds are required for this grant. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to:

A) approve the following contracts/interlocal agreement with agencies to provide Adult Reentry Services for the period July 1, 2021, through June 30, 2022:

- 1) The Lord's Place, Inc. in the amount of \$254,515;
- 2) Gulfstream Goodwill Industries, Inc. in the amount of \$131,247; and
- 3) City of Riviera Beach in the amount of \$114,238; and

B) authorize County Administrator or designee to execute amendments and administrative documents associated with the above contracts, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: Palm Beach County Division of Justice Services contracts with providers to coordinate Adult and Youth Reentry Services to those returning to Palm Beach County from incarceration. Contracts are awarded through a competitive process and ensure that the County meets the needs of those returning from incarceration. Reentry services are customized to each individual's unique needs, and include outreach services, case management, risk and needs assessments, transitional housing, employment assistance, transportation assistance and substance use and mental health treatment. These contracts/interlocal agreement are funded through a legislative allocation from the State of Florida, Department of Corrections to Palm Beach County. These contracts are retroactive to July 1, 2021. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

6. Staff recommends motion to receive and file: Amendment #1 to Contract Renewal #1 COHO3 (R2020-1124) with the State of Florida, Department of Health, for the period of July 1, 2020 through June 30, 2023 to comply with Section 448.095, Florida Statutes – Employment Eligibility. **SUMMARY:** The Division of Victim Services had a three-year contract with the State of Florida Department of Health in the amount of \$846,117 which expired June 30, 2020. On August 25, 2020, Contract Renewal #1 (R2020-1124) extended the contract to June 30, 2023 and provided for an additional \$846,117 for the continuation of advocacy, therapy, and forensic exam services to victims of sexual assault. Contract Amendment #1 addresses compliance with Section 448.095, Florida Statutes - Employment Eligibility that requires all public employers, contractor, and subcontractors register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system. All other provisions of the contract are still in effect and are to be performed at the level specified in the contract. R2011-1223 authorized the County Administrator or designee to execute contracts and amendments utilizing funding from the State of Florida, Department of Health on behalf of the Board of County Commissioners. Countywide (JW)

7. Staff recommends motion to approve: the Release and Settlement Agreement for a \$218,107.98 credit to Palm Beach County from AT&T. **SUMMARY:** The original contract with AT&T was approved by the Board of County Commissioners on April 20, 2010 (R2010-0666) to provide for the purchase, installation, and maintenance of network and call routing software and hardware related to the NG911 system. AT&T account 561N220068068 (SmartRing) was opened to create the connectivity of redundant circuits for the Palm Beach County (PBC) 911 Emergency Services IP Network (ESINet) and to provide connectivity among the Public Safety Answering Points (PSAPs) in case of failure of the primary circuits. In January, there was a change in the AT&T account providing this service, and account 561N220068068 was disconnected; however, the account continued to get charged for the services. The disconnection was completed in phases to maintain continuity of operations during the transition to new circuits. The AT&T account billing is complex and reviewed on a monthly basis for accuracy. However, once the final transition was complete, the charges were reviewed again with the AT&T representative which took several months and found that the billing continued after disconnection. It was agreed that the outstanding balance of \$218,107.98 should be credited to Palm Beach County. This Release and Settlement Agreement will zero out the balance due and close out AT&T account 561N220068068. Countywide (JW)

3. CONSENT AGENDA APPROVAL

CC. INTERNAL AUDIT

1. [Staff recommends motion to receive and file:](#) final audit reports recently issued by the County Internal Auditor's Office:

A) 2021-02 Public Safety Department – Consumer Affairs Division – *Florida Department of Highway Safety and Motor Vehicles Memorandum of Understanding Contract #HSMV-0612-18 Audit*, and

B) 2021-03 Engineering and Public Works Department – Traffic Division – *Management of Long-Term Agreements with the Florida Department of Transportation Audit*.

SUMMARY: County Code Section 2-463(e)(3) requires the County Internal Auditor to submit copies of final audit reports to the Board of County Commissioners and the Internal Audit Committee. We are submitting this report to the Board of County Commissioners as required by the County Code. Countywide (DB)

DD. TOURIST DEVELOPMENT COUNCIL

1. [Staff recommends motion to receive and file:](#) a fully executed Palm Beach County FY2021 Grant Agreement in the amount of \$12,500 managed by the Palm Beach County Sports Commission, Inc. on behalf of the Palm Beach County Tourist Development Council with South Florida Collegiate Baseball League, Inc. for the promotion of the South Florida Collegiate Baseball League, held from June 3 – July 26, 2021. The grant agreement was approved by the Tourist Development Council on April 8, 2021 for a term of January 3 – October 26, 2021. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution (R94-207) authorizing the Executive Director of the Tourist Development Council to enter into grant agreements with Category G (Sports) grantees after they have been approved by the Tourist Development Council. The grant agreement is expected to generate 2,002 room nights and will fund an event which promotes sports tourism in Palm Beach County. Districts 1, 3, 4 & 5 (LDC)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL (Cont'd)

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

A) Players International Management, Inc. for the promotion of the Delray Beach ITF Championships, which was held on April 22 – 30, 2021, for the term January 22 – July 30, 2021. This grantee was approved by the TDC on February 11, 2021, in the amount of \$4,000; and

B) Spartan Race, Inc. for the promotion of Palm Beaches Spartan Sprint Weekend, which was held on April 24 – 25, 2021, for the term October 24, 2020 – July 25, 2021. This grantee was approved by the TDC on February 11, 2021, in the amount of \$15,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution (R94-702) authorizing the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Combined, these agreements generated a total of 2,925 room nights, and also funded events which promotes sports tourism in Palm Beach County. Districts 4, 5 & 7 (LDC)

3. Staff recommends motion to receive and file: a fully executed Palm Beach County FY2021 Grant Agreement in the amount of \$20,000 managed by the Palm Beach County Sports Commission, Inc. on behalf of the Palm Beach County Tourist Development Council (TDC) with Players International Management, Inc. for the promotion of USTA Boys 18s & 16s National Clay Court Championships, which is being held on July 11 – 18, 2021. The grant was approved by the TDC on November 12, 2020, for the term February 11 – October 18, 2021. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/ agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution (R94-702) authorizing the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. The grant agreement is expected to produce 2,500 room nights and will fund an event which promotes sports tourism in Palm Beach County. District 7 (LDC)

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. Staff recommends motion to:

A) approve submission of a grant application for a U.S. Small Business Administration (SBA) Office of Entrepreneurial Development Community Navigator Pilot Program (CNPP) grant in the amount of \$2,500,000;

B) delegate authority to the Mayor or designee to submit a letter of support from the Palm Beach County Board of County Commissioners; and

C) delegate authority to the County Administrator or designee to execute all documents necessary to pursue the grant, including, but not limited to, all necessary sub-agreements and Funding Distribution agreements with sub-recipients.

SUMMARY: The SBA has issued a Notice of Funding Opportunity CNP-2021-01 for submission of applications for program activities designed to provide a unique collaborative approach to delivering long-term economic small business recovery and resiliency through targeted outreach to specific sectors of the entrepreneurial community for a project period of 24 months from the date of award as authorized by Section 5004 of the American Rescue Plan Act of 2021. The CNPP is designed to provide high quality technical assistance with pandemic relief programs and recovery services to small businesses and entrepreneurs. Recovery services can include financial assistance, access to capital, contracting and procurement assistance, marketing, operations, business development, export and industry specific training, among other areas of technical assistance to aid businesses in stabilization and expansion. There is no funding match required. Countywide (DB)

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JULY 13, 2021

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A) [COVID-19 Update by Dr. Alonso and County Staff](#)

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

A. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET

1. Staff recommends motion to:

A) conduct a public hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution 97-2152 and Resolution 2011-1833;

B) adopt the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment; and

C) authorize the Mayor to certify the non-ad valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes.

SUMMARY: On December 16, 1997, the Board approved Resolution 97-2152, and on November 15, 2011, the Board approved Resolution 2011-1833, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method in Resolution 97-2152 provides for inclusion of water and street improvement project special assessments on the tax bill. The Uniform Method in Resolution 2011-1833 provides for the abatement of nuisance conditions. Placing these accounts on the tax bill reduces administrative (including collections) costs and provides for a more efficient collection of amounts due to the County. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2021 tax bill. Countywide (DB)

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6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to approve: a Concessionaire Lease Agreement (Agreement) with GC Ventures FL, LLC (GC Ventures) for approximately 1,800 SF of indoor and outdoor space (collectively, the Okee Grill) at Okeeheelee Golf Course located at 7715 Forest Hill Boulevard in West Palm Beach for the operation of a food and beverage concession for a term of three years commencing no later than August 12, 2021 plus two successive one year renewals at a rental rate of \$12,000/year. **SUMMARY:** The Parks and Recreation Department (Parks) desires the continuation of food and beverage services at Okeeheelee Park through a concessionaire agreement. In September 2020, at the request of Parks, Facilities Development & Operations' (FDO) Property and Real Estate Management Division advertised Request for Proposal No. 2020-102-DML for the operation of this concession and no responsive proposals were received. In January 2021, a second Request for Proposals No. 2021-101-DML (RFP) was advertised. Submittals were received from GC Ventures and Ultimate Bakery & Pastry, Inc. (Ultimate Bakery), although the latter indicated its submittal was not a proposal to the RFP. On April 8, 2021, the Selection Committee reviewed both submittals, ranked GC Ventures' proposal as the highest and recommended it for award of the concession contract. Two entities, Ultimate Bakery and The Subdivision Corp, filed protests to the proposed award; both protests were reviewed by the FDO Director, and on May 12, 2021, both protestors were notified of the denial of their respective protests. The initial term of the Agreement is for three years, with two successive one year options to extend. The annual rent is \$12,000 (\$1,000/month), with annual 3% increases. Parks will manage and administer the Agreement. (Property & Real Estate Management) District 2 (HJF)

6. REGULAR AGENDA

A. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) adopt a resolution finding that an extension of the lease agreement with Pero Family Farms, LLC (Pero) (R2001-1541) for an additional two years until June 30, 2023 is in the best interest of the County; and

B) approve the fourth amendment to lease agreement with Pero Family Farms, LLC of 270.91 acres in the Agricultural Reserve in Boynton Beach at an annual rate of \$135,455.

SUMMARY: On September 11, 2001, (R2001-1541) the Board approved a lease with Pero for approximately 270 acres of land located within the York parcel in the Agricultural Reserve (AG Reserve) for a term of ten years at a rent of (\$1,205) per acre, with two extension options, each for a period of five years subject to the approval of the County in each instance. The first amendment, approved on January 12, 2010, (R2010-0088), reduced the rent to \$500 per acre. The second amendment approved on November 16, 2010, (R2010-1884), reduced the premises by 1.09 acres for the Lyons Road expansion. On May 17, 2011, (R2011-0744), the Board consented to the first option extending the term through August 20, 2016. On June 21, 2016 through the third amendment (R2016-0767) the Board consented to the second option extending the term through August 20, 2021; therefore, no extension options remain available. Pero also leases approximately 570 acres within the McMurrain parcel (McMurrain Lease) which was approved by the Board on June 18, 2013 (R2013-0790). The current term of the McMurrain Lease will expire on June 30, 2023. The McMurrain Lease has no extension options. Pero is requesting an extension of the York Lease term to run concurrently with the McMurrain Lease term to provide for continuity of operations between the two parcels. The continuity of operations of both parcels will assist in preserving agricultural operations in the AG Reserve. The annual rental rate will remain at \$135,455/year (\$500/acre). This fourth amendment will extend the term by an additional two years and updates various standard provisions of the lease. The agreement will continue to be administered by Facilities Development and Operations. (Property & Real Estate Management) District 5 (HJF)

6. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to approve: a contract (Contract) with J.W. Cheatham, LLC (Cheatham) in the amount of \$853,148.25 and 180 calendar days for the Wallis Road Phase 2 project at Palm Beach International Airport (PBI). **SUMMARY:** The County owns approximately 58± acres of property west of PBI (Airport Property), which is located east of Haverhill Road and west of Military Trail and managed by the Department of Airports. A segment of Wallis Road located adjacent to the Airport Property (Wallis Road) does not meet current County standards. This project provides for the improvement of Wallis Road, which is required for the development of the Airport Property for uses compatible with airport operations and to bring Wallis Road up to current standards. This project was advertised utilizing the County's competitive bid process. On April 13, 2021, nine bids were received for the Wallis Road Phase 2 project at PBI. Cheatham is located in Palm Beach County and has been identified as the lowest responsible/responsive bidder in the amount of \$853,148.25. The project was presented to the Goal Setting Committee on January 15, 2020 and an Affirmative Procurement Initiatives of 20% Small Business Enterprise (SBE) participation was applied. The SBE participation on this project is 25.1%. Countywide (AH)

6. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a resolution approving the Palm Beach County Action Plan for Fiscal Year 2021-2022; authorizing the County Administrator or designee to execute Standard Forms 424 and Certifications for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs, and funding agreements, amendments thereto, and other documents necessary for implementation of CDBG, HOME, and ESG activities. **SUMMARY:** The Department of Housing and Economic Development (HED) requests that the Board of County Commissioners (BCC) adopt the resolution approving the FY 2021-2022 Action Plan (AP) and authorizing the County Administrator or designee to sign Standard Forms 424 and Certifications, funding agreements, amendments, and other documents needed to implement the CDBG, HOME and ESG Programs. Palm Beach County is eligible to receive the following FY 2021-2022 entitlement grants from the U.S. Department of Housing and Urban Development (HUD): CDBG - \$6,872,842, plus program income of \$20,000; HOME - \$2,419,225; and ESG - \$570,536. The AP funding recommendations reflect BCC directions on funding strategies for the CDBG, HOME, and ESG Programs provided at the April 27, 2021 Workshop (Item 5C). The AP also incorporates ESG funding recommendations made by the Homeless and Housing Alliance Non-Conflict Grant Review Committee which met on April 26, 2021 and recommended ESG funding for six activities. Any revisions directed by the Board today will be incorporated into the Action Plan before submittal to HUD by the August 16, 2021 deadline. **The ESG required local match (\$570,536) will be provided by the four ESG-funded agencies, the Department of Community Services, and DHED. The HOME required local match (\$514,086) will be provided from the State Housing Initiatives Partnership Program. CDBG funds require no local match.** This agenda item will approve a total of \$9,882,603 in federal funding. Countywide (HJF)

6. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: CDBG funding of \$224,882 to the Town of Lake Clarke Shores for the construction of sanitary sewer improvements in a residential neighborhood located on Forest Hill Boulevard. **SUMMARY:** The Department of Housing and Economic Development (DHED) has identified \$224,882 in CDBG funds recaptured from various fiscal years from projects that were successfully completed under budget or projects which did not move forward. DHED is proposing that these funds be used to support a sanitary sewer project in FY 2021-2022. The Town of Lake Clarke Shores will install a grinder pump station and a sewer force main in easements over private property and in the public right-of-way of Lake Clarke Drive and Carandis Road. The improvements will serve an eight unit residential property located at 1475 Forest Hill Boulevard. Per CDBG requirements, at least 51% of the units must be occupied by tenants with incomes no greater than 80% of Area Median Income. Title to the property will be encumbered to secure the affordability requirements for 15 years. Total construction cost of the project is estimated to be \$300,448, and the Town will fund the non-CDBG balance of cost. **These are Federal CDBG funds which do not require a local match.** District 3 (HJF)

6. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to:

A) approve an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$5,305 to Community Land Trust of Palm Beach County for the 127 South F Street project;

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

C) approve a budget transfer of \$4,717 in Impact Fee Assistance Program – Roads Zone 4 to appropriate funds for 127 South F Street;

D) approve a budget transfer of \$394 in Impact Fee Assistance Program – Parks Zone 2 to appropriate funds for 127 South F Street; and

E) approve a budget transfer of \$194 in Impact Fee Assistance Program - Public Building Zone 1 to appropriate funds for 127 South F Street.

SUMMARY: On February 12, 2021, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$3,124,923 in IFAHAP funding available from Palm Beach County's Fiscal Year 2020 funding cycle. Community Land Trust of Palm Beach County (CLT of PBC) submitted an application in response to the NOFA. Staff recommends that up to \$5,305 be provided as a credit for impact fees associated with the 127 South F Street project (Project). CLT of PBC will be given credits for Roads Zone 4 Impact Fees (\$4,717), Parks Zone 2 (\$394) and Public Building Zone 1 (\$194) Impact Fees for the construction of the Project. CLT of PBC will pay impact fees above the allocated \$5,305. The Project entails construction of a detached single family housing unit located at 127 South F Street, Lake Worth. The project will provide an affordable house to a first time homebuyer with an income between 50% and 80% Area Median Income. **These funds are from interest earned by the Impact Fee Fund. District 3 (HJF)**

6. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

4. Staff recommends motions to approve: revisions to the Job Growth Incentive Fund Program to include: re-naming the program to the Economic Development Incentive Program (EDI), incorporating various criteria for business incentives when provided as a local match to State programs, or stand-alone incentives from the County, and to list parameters for providing the incentive in the form of cash and/or Ad Valorem Tax Exemption. **SUMMARY:** The Job Growth Incentive Grant Program was approved by the Board of County Commissioners (BCC) on November 16, 1993 (R93-1519), and as subsequently amended (R94-45, R94-198, R95-1104D, R96-302D, R97-1267D). Revisions are necessary to reflect policy changes by the BCC and to streamline various criteria related to the program into one document including the Job Growth Incentive Grant Program, Qualified Target Tax Industry Program, and the Ad Valorem Tax Exemption program. The criteria incorporates modifications to the EDI Agreement template approved by the BCC on April 16, 2019, with input from the Inspector General's Office, Internal Auditor, Office of Financial Management & Budget, the Business Development Board, and the State Department of Economic Opportunity (DEO). Those modifications included: aligning job creation and retention requirements to relevant Florida Statutes and/or DEO Agreement requirements, required median wage of new jobs, a performance security requirement in the form of either a clean, irrevocable Letter of Credit or Cash Bond for the incentive to be awarded. Modifications include: increase timeframe for executing an EDI Program award agreement from 60 to 120 days after conceptual approval by the BCC, to more accurately reflect processing time, to provide special consideration for projects within census tracts in distressed areas including Opportunity Zones and Rural Areas of Opportunities (Belle Glade, Pahokee, South Bay) and the EDI Program process from application through disbursement. Countywide (DB)

6. REGULAR AGENDA

D. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County (BCC), Florida, authorizing the execution and submittal of a grant application, standard assurances and grant agreement with the Florida Commission for the Transportation Disadvantaged (CTD), for a project in the amount of \$3,756,293 for the Trip & Equipment Grant Program (CSFA 55.001) to provide Palm Tran Connection Service (Connection) trips and discounted daily and monthly fixed route bus passes. This is a unit cost agreement and has an anticipated start date of August 1, 2021, and anticipated end date of June 30, 2022;

B) approve an upward budget amendment of \$4,324,441 in Palm Tran's Operating Fund 1340 to recognize the actual grant award amount; and

C) approve a budget transfer in General Fund 0001 of \$1,744,708 to increase the transfer to Palm Tran's Operations Fund 1340 from Contingency Reserves for the required match and necessary overmatch.

SUMMARY: The County has been awarded a grant in the amount of \$3,380,664, which requires a local match of 10% or \$375,629 for a total project of \$3,756,293. The total anticipated cost to provide transportation disadvantaged service is \$5,584,553, which requires the County to overmatch \$1,828,260 in order to maintain the program at its current level. The required local match and overmatch are included in the proposed FY2022 Budget. The grant agreement contains an indemnification provision that differs from that adopted for use by the County and imposes obligations beyond those recognized by County PPM CW-F-049 (PPM). The grant agreement requires, to the extent permitted by law and subject to the limitations of Section 768.28, Florida Statutes, the County to indemnify and hold harmless the Commission for Transportation Disadvantaged and its officers and employees from liabilities, damages, losses and costs, including reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the County and persons employed or utilized by the County in performance of the grant agreement. An exception to the PPM has been recommended by Risk Management and the County Attorney's Office taking into consideration the County's need to provide transportation services to the transportation disadvantaged, its current performance of such services and exposure/liability for its own acts, the amount of the grant award, and the non-waiver of sovereign immunity beyond the statutory caps of Section 768.28, Florida Statutes. The indemnification obligation must also be passed on to contractors and consultants. Countywide (MM)

6. REGULAR AGENDA

D. PALM TRAN (Cont'd)

2. Staff recommends motion to approve: an agreement between Palm Tran and Trapeze Group for PASS Mobile Application (PASS-App) software. **SUMMARY:** Palm Tran is seeking approval to enter into a sole-source agreement with Trapeze Group for software and services. Due to a long-standing relationship with Trapeze Group and Palm Tran being an early adapter of the PASS-App, both software licenses and implementation service fees have been waived reducing the project cost to \$0. An annual maintenance cost of \$9,800 will be added to Palm Tran's existing contract with Trapeze Group for upkeep of the software. This agreement will expand the functionality and features of products that Palm Tran currently licenses for its paratransit operations. The PASS-App software will provide Palm Tran with a mobile application for Android and iPhone (iOS) that customers can use to book and manage trips on Palm Tran Connection. Palm Tran currently operates a similar product from Trapeze Group called "PASS-Web" which is a web based platform for customers to book and manage trips. By entering into this agreement Palm Tran will be able to offer the same functionality offered on the PASS-Web product, but now in a mobile-friendly format. The indemnification provision of this contract differs from the usual indemnification of the County by other contractors. Indemnification of the County by this vendor is limited to 1.5 times the amount of the contract. In addition, Trapeze Group's liability for injury to persons or damage to tangible property is limited to instances of negligence or willful misconduct by the Contractor, meaning that the County is indemnified to a lesser degree by this Contractor than in other County contracts. Given the increased legal risks presented by this indemnification provision, the Risk Management Department and County Attorney's Office recommended that Palm Tran present this contract directly for approval by this Board. Countywide (MM)

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a resolution approving the 2021 Lake Worth Lagoon (LWL) Management Plan (2021 Plan). **SUMMARY:** The 2021 Plan is an update to the existing management plan adopted by the Board of County Commissioners on July 22, 2014 (R2014-1057). The 2021 Plan includes Action Plans for the restoration of the LWL in cooperation with the LWL Initiative, summarizes the progress made from 2013 to 2020, and presents future restoration projects and monitoring goals and is the first LWL plan that incorporates a watershed-focused management approach (R2008-0569). Adoption of the 2021 Plan via resolution by LWL partners and other State agencies and municipalities will be sought. There is no cost to the County. Countywide (SS)

6. REGULAR AGENDA

F. ADMINISTRATION

1. Staff recommends motion to receive and file: the 2021 State Legislative Session final report. **SUMMARY:** This is a presentation of the 2021 Legislative Session Final Report with a review of Palm Beach County's 2021 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Members of the county's professional contract lobbying team will also be present to review legislation affecting Palm Beach County. Topics covered will include, but are not limited to: state budget highlights; Palm Beach County appropriations; statewide legislation affecting Palm Beach County; statewide local government preemptions; and local Bills affecting Palm Beach County. Countywide (CK)

G. PLANNING, ZONING & BUILDING

1. Staff requests board direction: regarding developing and implementing a re-certification program to evaluate the safety of for certain tall and large scale building types in Palm Beach County. **SUMMARY:** Due to the devastating event that took place on June 24, 2021 at Surfside Condominiums Champlain Towers located in Miami, Surfside, Florida, the Palm Beach County Building Division is seeking direction from the Board of County Commissioners regarding developing and implementing a re-certification program to evaluate the safety of for certain tall and large scale building types in Palm Beach County. While the County has existing unsafe building abatement regulations in Section 116 of the Palm Beach County Local Amendments to the Florida Building Code, there is currently no requirement for There is currently no program of periodic re-evaluation of buildings to evaluate their ongoing safety. in place except as exists in the County's unsafe building abatement regulations in Section 116 of Chapter 4 of the Florida Building Code (attached). These provisions require Under the existing unsafe structure provisions, the Building Division relies primary on reported concerns from residents and property owners to determine when to initiate an investigation into potentially unsafe buildings, structures, equipment, or service systems. to contact us to investigate concerns in structures and service systems. Unincorporated (CK)

6. REGULAR AGENDA

H. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) receive and file the American Rescue Plan Act (ARPA) certification, which includes receipt of \$290,730,026, of which \$145,365,013 (50%) was received on May 20, 2021;

B) provide direction on the proposed Fiscal Strategy for the spending of these funds based on the eligible use categories.

SUMMARY: Signed into law on March 11, 2021, the ARPA of 2021 will provide \$350 billion in additional funding for state and local governments, which includes approximately \$291 million for Palm Beach County.

Eligible use of these funds include:

1. Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior the emergency;
2. COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery;
3. Premium pay for essential workers; and
4. Investment in water, sewer, and broadband infrastructure.

Restrictions on the uses of these funds include:

1. Funds cannot be used to directly or indirectly offset tax reductions or delay a tax or tax increase; and
2. Funds cannot be deposited into any pension fund.

Pursuant to the American Rescue Plan program, the County received an automatic payment of \$145,365,013, which equates to one-half of our allocation. The County will receive the second half of the distribution in one year. All funds must be encumbered by December 31, 2024 and spent by December 31, 2026. Countywide (DB)

6. REGULAR AGENDA

H. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. Staff recommends motion to authorize:

A) Staff to submit proposed not-to-exceed millage rates for the FY 2022 budget to the Property Appraiser as follows:

	FY 2021 Adopted		FY 2022 Rollback		FY 2022 Proposed		Over/(Under)	
	Millage	Taxes	Millage	Taxes	Millage	Taxes	Rollback	
Countywide Non-Voted	4.7815	\$1,005,656,949	4.5917	\$1,019,878,693	4.7815	\$1,062,035,841	\$42,157,148	4.13%
Library	0.5491	61,271,262	0.5267	62,038,487	0.5491	64,676,919	2,638,432	4.25%
Fire-Rescue MSTU	3.4581	295,180,299	3.3059	229,448,728	3.4581	313,235,018	13,786,290	4.60%
Jupiter Fire-Rescue MSTU	1.8911	22,562,984	1.8174	22,706,672	1.7880	23,339,347	(367,325)	(1.62%)
Aggregate-Excluding Voted Debt	6.5836	\$1,384,671,494	6.4039	\$1,422,392,831	6.5835	\$1,462,287,125		2.80%
Countywide Voted-Debt	0.0309	\$6,506,040			0.0334	\$7,425,522		
Countywide-Library Voted-Debt	0.0342	3,816,203			0.0333	3,922,311		

B) Staff to submit to the Property Appraiser public hearing dates of Thursday, September 9, 2021 at 5:05 p.m. and Monday, September 20, 2021 at 5:05 p.m. in the Commission Chambers, 6th floor of the Robert Weisman Governmental Center for the FY 2022 budget;

C) Administrative adjustments to establish funding in the FY 2022 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2021) after the preparation of the proposed budget and are therefore not currently included in the FY 2022 budget. These adjustments will have no impact on proposed Ad Valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) Administrative adjustments to establish funding in the FY 2022 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2021) after the preparation of the proposed budget and are therefore not currently included in the FY 2022 budget. These adjustments will have no impact on proposed Ad Valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

SUMMARY: The proposed millage rates for Countywide, Library, and Fire Rescue MSTU are at the current year millage rate and above the rolled-back rate. The millage rate for the Jupiter Fire MSTU is below the current year millage rate and the rolled-back rate. These millage rates are not-to-exceed rates, and may be lowered but not raised at the September public hearings.
Countywide (DB)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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

A. HEALTH DEPARTMENT

- 1. Staff recommends motion to approve: the reappointment of two members to the Environmental Appeals Board for a term of three years beginning 7-13-2021 to 7-12-2024:

NOMINEE:	SEAT #:	REQUIREMENT:	NOMINATED BY:
Trevor Rosecrans	1	Professional Engineer	Am. Society of Civil Engineers Palm Beach Branch
Telsula Morgan, Esq.	5	Attorney	PBC Bar Association

SUMMARY: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association; one member of the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one water resource professional employed by the South Florida Water Management District; and one drinking water engineer employed by the Department of Environmental Protection. The Board currently consists of three members. The current diversity count is: Caucasian: 1; African-American: 1; and Hispanic: 1. The current gender ratio (female: male) is 1:2. Countywide (HH)

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ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

CONVENE AS THE CHILD CARE FACILITIES BOARD

8. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. **Staff recommends motion to approve:** appointment of member to the Child Care Advisory Council to fill the position representing fire protection, engineering or technology. The position was vacated by Elyse Brown.

<u>SEAT #</u>	<u>NOMINEE</u>	<u>REQUIREMENT</u>	<u>Term</u>	<u>NOMINATED BY</u>
5	Sue Ellen Calderon	Represents fire protection, engineering or technology	7/13/21 to 9/30/21	Commissioner Marino

SUMMARY: The Child Care Advisory Council is comprised of seven members who serve at the pleasure of the Board of County Commissioners. Members must consist of two members who represent and operate private child care facilities in Palm Beach County, one of whom operates a family day care home or large family child care home; one member who represents and operates a parochial child care facility in Palm Beach County; one consumer protection enforcement official; one member for fire protection, engineering or technology; and one member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County; and one representative from the Florida Department of Children and Families. The applicant for appointment to Seat 5, Sue Ellen Calderon, is a Fire Safety Specialist with Palm Beach Fire Rescue, bringing over 15 years of experience in fire prevention and safety. The diversity count for the seven seats currently filled is Caucasian: 4 (57.1%), African-American: 2 (28.6%), and Hispanic-American: 1 (14.3%). The gender ratio (female: male) is 5:2. The nominee for Seat 5 is a Hispanic female. Staff continues to address the need for increased diversity within our boards and will continue to encourage expansion of this Council’s diversity. Countywide (HH)

ADJOURN AS THE CHILD CARE FACILITIES BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

JULY 13, 2021

9. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JULY 13, 2021

10. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY

JULY 13, 2021

11. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER

Request for off-site Proclamation declaring July 18-24, 2021 as Pretrial Services Supervision Week in Palm Beach County

Request for off-site Proclamation declaring July 2021 as Park and Recreation Month in Palm Beach County

Request for off-site Proclamation recognizing the 20 Year Anniversary of Quantum House in Palm Beach County

District 4 – COMMISSIONER ROBERT S. WEINROTH

District 5 - COMMISSIONER MARIA SACHS

JULY 13, 2021

11. COMMISSIONER COMMENTS CONTINUED

District 6 - COMMISSIONER MELISSA MCKINLAY

District 7 – COMMISSIONER MACK BERNARD

JULY 13, 2021

12. MATTERS BY THE PUBLIC – 2:00 P.M.

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JULY 13, 2021

13. 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."