

February 7, 2023  
9:30am

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**FEBRUARY 7, 2023**

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
68	4M	<b>ADD-ON:</b> Proclamation declaring February 2023 as Black History Month in Palm Beach County (District 7)
85	6E-1	<b>DELETED FOR FURTHER STAFF REVIEW (WUD)</b>

**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**

**FEBRUARY 7, 2023**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 11-67)**
  
- 4. SPECIAL PRESENTATIONS (Page 68)**
  
- 5. PUBLIC HEARINGS - 9:30 A.M. (Page 69)**
  
- 6. REGULAR AGENDA (Pages 70-85)**
  
- 7. BOARD APPOINTMENTS (Page 86)**
  
- 8. STAFF COMMENTS (Page 87)**
  
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**FEBRUARY 7, 2023**

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**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 89)

**ADJOURNMENT** (Page 90)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Date</u>	<u>Meeting Type</u>
July 12, 2022	Regular
July 19, 2022	Workshop
July 28, 2022	Zoning
August 23, 2022	Regular

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a proportionate share agreement for \$711,870 with Centerpointe Delray Holdings LLLP dated November 30, 2022, for the proposed project located at 1690-2350 South Congress Avenue and 2400 Palm Drive in the City of Delray Beach. **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. This agreement was executed by the County Administrator on November 30, 2022 per Resolution R2016-0125. Palm Beach County’s proportionate share program allows developers to proceed with development notwithstanding a failure of transportation concurrency, by contributing their proportionate share to one or more regionally significant transportation facilities. District 4 (SAS)
2. **Staff recommends motion to approve:** a budget amendment in the amount of \$1,733,648 in the Road Impact Fee Fund to recognize reimbursement funding from SR7 Development, LLC (Developer) and appropriate it to Flavor Pict Road from SR 7 to Lyons Road (Project). **SUMMARY:** Approval of this budget amendment will allocate funding toward construction of the Project. Palm Beach County (County) and the Developer entered into an agreement (R2018-1972) on December 18, 2018 whereby Developer agreed to fund the construction of a two-lane roadway and a bridge over the Lake Worth Drainage District’s E-1 Canal for the western segment straight alignment of the Project, from SR 7 to 2,300 feet east of SR 7, in lieu of the County’s original curved alignment that conflicted with the Developer’s plans. District 5 (YBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends a motion to approve: a settlement in the total amount of \$1,107,675, inclusive of attorney's fees, expert fees, and costs, in the eminent domain action styled Palm Beach County v Carlo J. Grosso, et al., Case No.: 502021CA009288(AG). **SUMMARY:** Palm Beach County (County) acquired a permanent right of way easement designated as Parcel 106 and temporary construction easements designated as Parcels 306, 317, and 338 from owners Carlo J. Grosso and Ana Maria Grosso on December 28, 2021 for the improvement of Seminole Pratt Whitney Road from 86th Road North to Northlake Boulevard and of Northlake Boulevard from Seminole Pratt Whitney Road to 1,300 feet east. This settlement includes \$650,000 as compensation for the easements acquired, damages to remainder of the property, business damages to C&P Growers, Inc., a nursery business, in addition to \$157,075 as statutory attorney's fees, and \$300,600 for the expert fees of the property and business owners eight experts, for a total of \$1,107,675. This settlement will completely resolve this eminent domain proceeding as it relates to the parcels acquired. District 6 (DO)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

**A) receive and file** a final Notice of Award (NOA) 6 UT8HA33954-03-01 from the U.S Department of Health and Human Services (HHS), for the budget period of March 1, 2022 through February 28, 2023, in the amount of \$1,166,156, for a total grant award of \$3,738,461 for Ending the HIV Epidemic (EHE): A Plan for America federal grant program focused on reducing new HIV Infection in the United States by 90% by 2030; and

**B) approve** an upward budget amendment in the amount of \$1,491,815 in the Ryan White Care fund to align the budget with the actual grant award.

**SUMMARY:** On December 17, 2019, the Board of County Commissioners (BCC) ratified the Mayor's signature on the EHE grant application (R2019-1875). On April 5, 2022, a partial NOA in the amount of \$325,659 was received and filed with the BCC. On May 31, 2022, HHS issued a final NOA in the amount of \$1,166,156 for a total grant award of \$3,738,461. Under this grant, the program will serve approximately 300 unduplicated clients annually, with 89 served in the current grant year to date. This grant focuses on reducing HIV infections by 90% in the United States by the year 2030. To accomplish the goal of ending the epidemic, Palm Beach County uses the award to expand capacity and provide new HIV system of care services each year: Telehealth Adherence Counseling in 2021, Community Outreach, Response and Engagement Teams in 2022, and Rapid Entry to Care in 2023. Transportation and Housing services are planned for the future. The budget amendment includes the amounts awarded on both the partial and final NOA. **No County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: two Subrecipient Agreements for Ending the HIV Epidemic (EHE): A Plan for America Initiative with the below listed agencies, for the period September 1, 2022 through February 28, 2025, in the amount totaling \$352,797, of which \$117,599 is budgeted in Grant Year (GY) 2022, with an anticipated annual allocation of \$117,599 in each subsequent grant year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), subject to funding approval by the U.S Department of Health and Human Services (HHS):

**A)** CAN Community Health Inc. (CCH), in an amount not-to-exceed \$241,737, of which \$80,579 is budgeted for GY 2022, with an anticipated annual allocation of \$80,579 in each subsequent grant year for the term of the agreement; and

**B)** Midway Specialty Care Center, Inc. (Midway), in an amount not-to-exceed \$111,060, of which \$37,020 is budgeted for GY 2022, with an anticipated annual allocation of \$37,020 in each subsequent grant year for the term of the agreement.

**SUMMARY:** On December 17, 2019, the BCC ratified the Mayor's signature on the EHE grant application (R2019-1875). HHS issued a total grant award for EHE in the amount of \$3,738,461. This grant focuses on reducing HIV infections by 90% in the United States by the year 2030. To support the goal of ending the epidemic, Palm Beach County will use the award to provide Rapid Entry to Care (REC). REC services provide an EHE client with a low barrier medical appointment after a new diagnosis, or when reengaging in HIV care. A REC appointment will take place no later than 72 hours after referral and provide a full initial medical visit standard for persons with HIV, provide a 30-day supply of appropriate HIV Anti-Retroviral Therapy, and any other appropriate referrals for the client. REC is a new service provided this year under EHE. Both CCH and Midway will provide this new service under the EHE program to approximately 85 clients annually. **No County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

**A) ratify** the signature of the Mayor on the 2022 U.S. Department of Housing and Urban Development (HUD) Palm Beach County Continuum of Care (CoC) Planning Project Grant Application, for the period October 1, 2023 through September 30, 2024, in the amount of \$247,270, for the coordination of planning activities related to ending homelessness;

**B) ratify** the signature of the Mayor on the HUD 2022 Homeless Management Information System (HMIS) Implementation Grant Application, for the period October 1, 2022 through September 30, 2023, in the amount of \$281,530, to increase HMIS capacity, enhance training, improve data quality monitoring, and analyze data to improve the CoC system service delivery;

**C) ratify** the signature of the Mayor on the Certification of Consistency Plan with the Consolidated Plan for the CoC Program Competition Form; and

**D) delegate** to the County Administrator or designee signatory authority on additional forms and any other necessary documents related to the HUD CoC Planning Project Grant Application, and the HUD HMIS Implementation Grant Application.

**SUMMARY:** The Palm Beach County CoC Planning Project Grant will provide funding for the coordination and evaluation of activities related to ending homelessness. These activities involve coordination of monthly CoC meetings and sub-committee meetings, administration of HMIS, annual preparation of HUD CoC grant application, and technical assistance and monitoring of local grant recipients. A 25% cash match of \$61,818 is required for the CoC Planning Grant and the County match will be requested in the FY 2024 budget process. The HMIS Implementation Grant increases the capacity to integrate data management systems in order to improve and coordinate the delivery of housing services. A 25% cash match of \$70,383 is required and will be provided through existing budgeted staff salaries. The grant period for the HMIS Implementation grant will be adjusted upon receipt of award. The emergency signature process was utilized because there was insufficient time to submit this application through the regular agenda process. (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: a Memorandum of Agreement (Agreement) with the United States Department of Homeland Security, Transportation Security Administration (TSA) providing for an update to the Checked Baggage Resolution Area (CBRA) and Checked Baggage Inspection System (CBIS) areas of Palm Beach International Airport (PBI) by the TSA at no cost to the County. **SUMMARY:** The TSA is in the process of updating the CBRA and CBIS areas of the in-line baggage handling system (BHS) at PBI to meet the current version of the TSA Planning Guidelines and Design Standards (PGDS) for CBIS (version 7.0, 2020), including the installation of Explosives Detection System (EDS) over-height protection, modification of fail-safe operations and modification of the CBRA E-stop resets. These proposed additions and alterations were identified during a site visit conducted by the TSA and are not expected to impact the operation of the overall system during implementation. Upon completion of the scope of work contained in the Agreement, all equipment installed will become the property of the County, with the exception of any security screening equipment owned by the TSA, and it will remain the responsibility of the County to maintain, repair and/or replace all equipment in order to sustain the operational capabilities of the system. TSA's contractor completing the work will provide documentation from the Original Equipment Manufacturer regarding any new equipment installed and will review the operations of the equipment with the individuals/vendor responsible for maintaining the BHS. The County's primary responsibilities under this Agreement include the following: (1) provide design input during creation of the concept design drawing and site implementation plan (SIP) stages; the final accepted design will be confirmed by TSA; (2) assist TSA's contractors to identify and obtain required permit(s) and permissions, as necessary that allows work to be performed; (3) facilitate scope and schedule of work performed by TSA and its contractor; (4) provide TSA or its contractors access to restricted areas to perform scope of work; (5) allow TSA or its contractors to perform all necessary testing of all newly integrated equipment; and (6) perform and bear all costs of the operation, maintenance, and repairs for the improvements made by the TSA to the system. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to receive and file: three Consents to Sublease, consenting to the sublease of space at the Palm Beach International Airport by Atlantic Aviation – West Palm Beach, LLC d/b/a Atlantic Aviation PBI (Atlantic), with the following subtenants:

1. CMB Aviation 1 LLC, effective as of December 1, 2022.
2. Dimor Aerospace INC, effective as of January 1, 2023.
3. N815GG, Inc., effective as of November 1, 2022.

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

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: the Tenth Amendment (Amendment) to the Lease Agreement dated October 18, 2000 (R2000-1067, as amended) (Lease) with Atlantic Aviation – West Palm Beach, LLC (Atlantic), providing for the lease of an additional 63,177+/- square feet of unimproved ground for the construction of a vehicular parking lot by Atlantic at the Palm Beach International Airport (PBI) for payment of initial annual rental of \$50,541.60, commencing February 7, 2023; establishing the rental rate for the lease of an option parcel; streamlining the process for approval of subleases for hangar, ramp or office space by Atlantic; and updating exhibits and standard provisions in the Lease. **SUMMARY:** Atlantic provides fixed-based operator services for general aviation aircraft at PBI. This Amendment adds a 63,177+/- square foot parcel of unimproved land for the construction of a vehicular parking lot for use by Atlantic's employees, contractors and customers. Although not subject to the County's Equal Business Opportunity Ordinance, Atlantic has voluntarily committed to 20% Small Business Enterprise (SBE) participation in the construction of the parking lot. The Lease currently provides Atlantic with the option to lease an additional 20,706+/- square foot parcel located adjacent to Atlantic's aircraft parking apron, which was previously used by the Federal Aviation Administration (FAA) as a radio tower site. The Lease provides that Atlantic would have the right to exercise the option to lease the site upon the FAA's removal of the radio tower, which has occurred. Rental for the former radio tower site is scheduled to commence on March 1, 2023, following Atlantic's inspection period. This Amendment establishes an initial annual lease rate of \$0.80 per square foot for the radio site based on appraisal as provided in the Lease. The Lease currently requires the County's consent for all subleases. This Amendment allows Atlantic to sublease, ramp or office space without prior consent of County, provided the subleased space is used exclusively for uses and activities permitted in the Lease and PBI General Aviation Minimum Standards (R2005-1168, as may be amended) and for no other purposes whatsoever, and the sublease is in a form consistent with the standard form sublease attached to the Lease. All subleases are subject and subordinate to the Lease, and the County is not a party to the subleases. The primary reason for requiring consent is to ensure the County receives notice of subtenants operating from the facility. Rather than requiring consent for each sublease, Atlantic will provide copies of all subleases to the County quarterly, or within ten days of the County's request. The Amendment updates the legal description of Atlantic's leasehold as well as the nondiscrimination and scrutinized company provisions to the Lease, and adds an approved standard form sublease agreement for use by Atlantic. Countywide (HF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: Change Order No. 3 to Amendment No. 2 to the Construction Manager (CM) at Risk Contract (Contract) with Lebolo Construction Management, Inc. (LCM) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$167,270.47 and to extend the project time by 178 calendar days for Work Order SL 07: Terminal Building 4<sup>th</sup> Level Exterior Wall Repairs at Palm Beach International Airport (PBI). **SUMMARY:** Amendment No. 2 was approved by the Board on February 8, 2022 in the amount of \$777,546.69 and 241 calendar days (R2022-0135). Change Orders No. 1 and 2 in the amount of \$310,736.11 and 46 calendar days were approved in accordance with the authority designated in PPM CW-F-050. Approval of Change Order No. 3 in the amount of \$167,270.47 and 178 calendar days will primarily compensate the contractor to address existing conditions following the removal of the existing HVAC Louvers at the six ventilator fans to be replaced under this project. This includes reconstruction/replacement of framing, floor flashing, bird screens for all six fans along with structural modifications for the connection of one of the new ventilation fans. In addition, a credit is included to delete the Motor Control Center (MCC) equipment due to the long lead-time. This equipment will be included in a future project. The project completion needs to be extended by 178 calendar days due to Hurricanes Ian and Nicole, as well as to allow time for negotiations for the deletion of the MCC equipment and approval of the change order. This project was presented to the Goal Setting Committee on September 1, 2021 and an Affirmative Procurement Initiatives of 20% Small Business Enterprise (SBE) participation was applied. The S/MBE participation for the increases in this change order is 67.43%. The S/MBE subcontracting participation including this change order is 48.38%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing certain amendments to the County's Public Improvement Revenue Note, Series 2008 (environmentally sensitive land acquisition project) previously issued pursuant to Resolution No. R2008-0132 to finance the costs of acquisition of certain environmentally sensitive land; approving and authorizing the execution and delivery of an amendment and agreement with Truist Equipment Finance Corp. As holder of the note; approving and authorizing the issuance of certain other documents required in connection with the foregoing; and providing certain other details in connection therewith. **SUMMARY:** The County and Truist Equipment Finance Corp. have agreed to modify the terms of the variable rate Series 2008 Public Improvement Revenue Note (Environmentally Sensitive Lands Acquisition Project) (the Series 2008 Note) to replace the London Inter-Bank Offered Rate (LIBOR) Index with a new variable rate index based upon the Secured Overnight Financing Rate (SOFR). This resolution authorizes the modification of the Series 2008 Note's terms to accommodate the transition from the LIBOR benchmark reference interest rate to the SOFR benchmark reference interest rate when calculating the interest expense on the variable rate Series 2008 Note. As a result of amending the Series 2008 Note, the interest rate calculation methodology will transition to the use of the SOFR market rate (the new industry standard). The Series 2008 Note's interest expense calculation was based on LIBOR. The financial industry is transitioning to a new benchmark reference rate, SOFR by June 2023, as LIBOR is scheduled to be phased out. Countywide (DB)
  
2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$12,000 for the full satisfaction of a code enforcement lien that was entered against David Miserendino on April 6, 2011. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an Order on January 5, 2011 for the property owned by David Miserendino giving him until February 4, 2011 to bring his property located at 18465 46th Ct N, Loxahatchee, FL into full code compliance. The property was cited for overgrown vegetation and accumulation of yard trash, rubble, and debris on the lot. Compliance with the CESM's Order was not achieved, and a fine of \$50 per day was imposed. The CESM then entered a claim of lien against David Miserendino on April 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 29, 2012. The total accrued lien amount on November 30, 2022, the date on which settlement discussions began, totaled \$42,293.50, of which David Miserendino has agreed to pay Palm Beach County \$12,000 (28%) for full settlement of his outstanding code enforcement lien. District 6 (SF)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to receive and file: the Quarter Ending 12-31-2022 information for Children's Services Council of Palm Beach County (CSCPBC). **SUMMARY:** The CSCPBC has submitted their Quarter Ending 12-31-2022 information as per Section 125.901(3)(f), Florida Statutes. Countywide (DB)
4. Staff recommends motion to receive and file: the Annual Report for the Fiscal Year ending September 30, 2022 from the Boynton Beach Community Redevelopment Agency (CRA). **SUMMARY:** The Boynton Beach CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2022 as per Sections 163.356(3)(d) and 163.387(8), Florida Statutes. Countywide (DB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a lease agreement with the Solid Waste Authority of Palm Beach County (SWA) for the operation of the County fueling station within SWA's North County Transfer Station located at 14185 North Military Trail in Jupiter, for an initial term of five years at an annual rate of \$10. **SUMMARY:** The County has leased approximately 10,000 SF within SWA's North Transfer Station, for the purpose of operating a County vehicle fueling station pursuant to a lease agreement dated December 6, 1997 (R97-2119-D), which expired on December 15, 2022. SWA and the County desire to enter into a new lease agreement for the continued operation of a fueling station. The initial term of the lease is for five years with four options to extend, each for a period of five years. Rent will be \$10 annually. Either party has the right to cancel the lease agreement upon one-year prior written notice to the other party after the fifth year of the initial term of the lease. Property & Real Estate Management will continue to have administrative responsibility for this lease agreement. (Property & Real Estate Management) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: an Interlocal Agreement (Agreement) with the U.S. Fish & Wildlife Service (Arthur R. Marshall Loxahatchee National Wildlife Refuge), an office of the United States Department of the Interior (Participant), allowing for direct access to the County's Public Safety Radio System (System) retroactively from December 16, 2022 through December 15, 2027. **SUMMARY:** This Agreement provides the terms and conditions under which the Participant can directly access the System. The terms of this Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies where connection through an established municipal hub is not technically feasible. The Participant has been interoperable with the County's System since 2002. The Agreement requires that the Participant pay a one-time \$3,000/unit access or capacity charge as well as annual fees of \$300/unit towards the renewal and replacement fund and \$163.53/unit towards maintenance and operation of the system infrastructure. The annual fees are consistent with those being charged to the County departments. In addition, the Participant is required to pay all costs associated with Participant's subscriber units and to comply with the established operating procedures for the System. The Participant will assign representatives to participate in user committee meetings to discuss system maintenance and administration issues. The term of the Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, on October 1<sup>st</sup> of any year, with a minimum of six months' notice. (ESS) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to receive and file: an emergency contract with Joe Schmidt Construction, Inc. for the Temporary Fencing at the West County Host Shelter project located at the West Detention Center in the amount of \$52,837 for a period of six days from notice to proceed. **SUMMARY:** This project consisted of furnishing and installing approximately 530 linear feet of 8-foot tall commercial grade Schedule 40 chain link fencing with one 26-foot rolling gate. Palm Beach County was directed by the State of Florida to provide temporary housing support (in the form of a host shelter) to the residents of Florida's West Coast who were severely impacted by Hurricane Ian. The West Detention Center was chosen as the location for the host center therefore a fence was installed to separate correctional operations from emergency host shelter operations. In order to minimize the required extent of new fencing to be installed, existing fencing was used as lateral support. A gate was installed to provide the Palm Beach Sheriff's Office access to the loading dock while ensuring a secure site for correctional operation. As a direct result of the emergency need for setting up the host shelter, a reduced performance period of six days was specified when procuring the work. This project was solicited as an emergency contract in accordance with Palm Beach County Purchasing Code (Purchasing Code) Section 2-54 and County PPM CW-L-008. Pursuant to Section 2-80.22 of the Equal Business Opportunity (EBO) Ordinance and the County PPM CW-O-043, this project is exempt from the EBO requirements. The Director of the Facilities Development and Operations Department executed this emergency contract under its construction authority pursuant to the Purchasing Code Section 2-53(f). In accordance with PPM CW-F-050, staff is submitting this emergency contract to the Board of County Commissioners as a receive and file item for transparency and for informational purposes. Joe Schmidt Construction, Inc. is a certified Small Business Enterprise firm. The funding source for this project is the General Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to receive and file: Contingency Use Directive (CUD) Change Order No. 4 documenting a decrease to the contingency fund of Amendment No. 5 (R2021-1488) to the continuing construction management (CM) contract with Robling Architecture Construction, Inc. (R2020-1690) in the amount of \$2,924.25 with an increase to the project duration of 79 calendar days for the Water Utilities Department (WUD) Central Regional Operations Center (CROC) Parking Lot project. **SUMMARY:** On October 19, 2021, the Board of County Commissioners (Board) approved Amendment No. 5 (R2021-1488) to the continuing CM contract with Robling Architecture Construction, Inc. in the amount of \$627,827 establishing a Guaranteed Maximum Price for construction of the WUD CROC parking lot expansion. Change Order No. 4 to Amendment No. 5 authorizes the supply and installation of numbering at the parking spaces using traffic-rated paint, and increases the project duration by 79 calendar days due to permitting delays. In accordance with Policies and Procedures Memoranda (PPM) CW-F-050, when a cumulative limit of 120 days has been reached for time extensions, the item that causes the limitation to be reached shall be presented to the Board as a receive and file item. This agenda item is being submitted to notify the Board that Change Order No. 4 to Amendment No. 5 puts the cumulative value of time extension in excess of the 120-day threshold established by PPM CW-F-050. This continuing construction management contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives of a small business enterprise (SBE) evaluation preference of ten points for the selection of the construction manager and a mandatory 20% SBE subcontracting goal on the continuing contract. The original SBE participation on this project was 26.51%. The SBE participation for this change order is 95.24%. To date, the cumulative SBE participation on this project is 33.42%. Robling Architecture Construction, Inc. is a Palm Beach County Business. **This project is funded from the Capital Improvements Fund.** (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Supplement #1 to the Consultant Services Authorization (CSA) #8 to the continuing Architectural/Engineering Consulting Services contract with Colomé & Associates, Inc. (Consultant) (R2019-1899) in the amount of \$150,657.05 for the Pahokee Building Renovations (Western Animal Care & Control Facility) project. **SUMMARY:** On December 17, 2019, the Board of County Commissioners (Board) approved the continuing contract with the Consultant (R2019-1899) to provide architectural services on a task assignment basis. Under CSA #8, the Consultant prepared a Building Assessment Report in February 2021 on the existing Pahokee building, which identified deficiencies that the County must address prior to building occupancy. Under Supplement #1, the Consultant will provide the professional services (i.e. conceptual design, construction document preparation, cost estimating, permitting, bidding and construction phase administration) necessary for the interior and exterior renovations of the existing facility which will be used for the Western Animal Care and Control Facility. Interior renovations include, but are not limited to, minor reconfiguration of the interior walls, interior floor replacement, drywall repair/refinishing, insulation and painting interior rooms and doors. Exterior renovations include, but are not limited to, re-working the concrete steps, concrete sidewalks and grades at north side of the building, re-roofing the building, re-surfacing existing asphalt parking areas and painting the exterior of the building. The continuing Architectural/Engineering Consulting Services contract was presented to the Goal Setting Committee on August 7, 2019 and the Committee established Affirmative Procurement Initiatives of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an SBE evaluation preference for the selection. The Consultant committed to achieving an SBE goal of 85%. The SBE participation on this Supplement is 89.37%. Cumulative SBE participation on the continuing Architectural/Engineering Consulting Services contract is 92.38%. Colomé & Associates, Inc. is a local firm and is a certified SBE. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: continuing contracts for construction manager at risk services for various federal or state funded projects with the following firms on an as needed basis through February 6, 2026 with one optional two year renewal:

- A) Lebolo Construction Management, Inc.
- B) State Contracting & Engineering Corporation
- C) Waypoint Contracting Inc.

**SUMMARY:** These continuing contracts provide for construction management services throughout the design and construction phases of various capital projects throughout Palm Beach County (County), which may include new construction, additions, or renovation projects with an estimated construction cost of each project not to exceed \$4,000,000. Construction services may include, but are not limited to, new construction, renovations, or remodeling to County facilities such as libraries, parks, general office buildings, community centers, housing (both single family and multi-family), and other facilities throughout the County. These continuing contracts will be for a period of three years with one two-year renewal option. The construction cost of projects assigned under these contracts will range from \$20,000 to \$4,000,000. No minimum value is guaranteed. Once a project is assigned to a construction manager (CM), a task order is issued to authorize preconstruction services. Once the design phase is complete, the CM publicly bids the trade contracts to establish a guaranteed maximum price (GMP) for the construction phase of the project. Individual GMPs will be authorized as amendments or work orders to these continuing contracts and will be presented to the appropriate approval authority. These continuing construction management contracts were selected through a competitive solicitation in accordance with the federal requirements. Projects under this continuing contract may be funded in whole or in part by federal or state grants. These continuing contracts are exempt from the County's Equal Business Opportunity Ordinance pursuant to Section 2-80.22 thereof. Projects assigned under these continuing contracts may include a Disadvantaged Business Enterprise goal depending on the requirements of the applicable federal grant, which will be included at the time of project assignment. (Capital Improvements Division) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. [Staff recommends motion to receive and file:](#) Contingency Use Directive (CUD) No. 4 and Change Order No. 25 documenting a decrease to the contingency fund of Amendments No. 1 (R2015-0452) and No. 2 (R2015-1257) for the construction management (CM) contract with The Weitz Company, LLC (R2014-0923) in the amount of \$363,878.41 for the Palm Beach County (PBC) Convention Center Parking Garage project. **SUMMARY:** On April 7, 2015, the Board of County Commissioners (Board) approved Amendment No. 1 (R2015-0452) to the CM contract with The Weitz Company, LLC in the amount of \$45,766,972 establishing a Guaranteed Maximum Price (GMP) for the construction of a cast-in-place nine level parking garage consisting of 2,648 parking spaces for the PBC Convention Center. On September 22, 2015, the Board approved Amendment No. 2 (R2015-1257) to the contract with The Weitz Company, LLC for foundation and above grade work as well as any costs associated with building permits in the amount of \$988,714 for the PBC Convention Center Parking Garage project. Change Order No. 25 to Amendments No. 1 and No. 2 (Change Order No. 25) authorizes supplying, labor and installation of tennis mesh screens, solid panels, mesh panels, aluminum caps over expansion joints, additional conduit from the utility cabinet to the new waterproof boxes, floor drains, hub drains and plates to cover the elevator shaft louvers for the PBC Convention Center Parking Garage project in order to better facilitate garage operations. Change Order No. 25 is being submitted to the Board via a receive and file item for transparency and for informational purposes. The solicitation for CM was advertised according to the Small Business Enterprise (SBE) Ordinance in place at the time, with a 15% SBE participation goal established. The SBE participation for this change order is 0%. To date, the cumulative SBE participation on this contract is 32.55%. The Weitz Company, LLC is a Palm Beach County business. The funding source for this project is the 3076 - 68M Public Imp Rev Bond 15A CP, Conv Ctr Garage & Airport Ct Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve:

**A)** contract with AECOM Technical Services, Inc. (AECOM) for Program Management Services for a period of five years; and

**B)** Consultant Services Authorization (CSA) No.1 to the contract with AECOM for Program Management Services for a not to exceed amount of \$1,547,778.64 for the period starting from February 8, 2023 to December 31, 2023 and a not to exceed amount of \$1,807,761.28 for the period starting from January 1, 2024 to December 31, 2024.

**SUMMARY:** This contract will provide project management services necessary to assist the Palm Beach County (County) Facilities Development and Operations Department (FDO)/Capital improvements Division (CID), in administering and managing an expanded General Government Capital Program (GGCP). Other County construction departments may use this Contract for program management services. Based on County directed staffing needs, AECOM will assemble a team to accommodate the project requirements of FDO/CID for implementation of the GGCP. The quantity and type of personnel provided by AECOM is subject to change throughout the term of the contract, based in the County's needs, with no minimum amount of services guaranteed. AECOM's full-time personnel will be located in FDO/CID's offices and will act as an extension of the FDO/CID staff, acting as an owner's representative. Work will be assigned by FDO/CID on an as needed basis through individual CSAs issued against this Contract. CSA No.1 to the contract with AECOM for Program Management Services is for a not to exceed amount of \$1,547,778.64 for the period starting on February 8, 2023 and ending on December 31, 2023, and a not to exceed amount of \$1,807,761.28 for the period starting on January 1, 2024 and ending on December 31, 2024. Staffing positions requested under CSA No. 1 include two senior project managers, one fiscal specialist, one procurement/contract specialist, one cost estimator, two project managers and two field representatives. Compensation will depend on actual hours worked. There is no minimum amount of services or compensation guaranteed to AECOM's personnel. This is not an exclusive contract. This contract was solicited pursuant to the requirements of the Equal Business Opportunity Ordinance. The Affirmative Procurement Initiatives established for this contract on June 15, 2022 by the Goal Setting Committee are a 20% Small Business Enterprise (SBE) participation and a Minority/Women Business Enterprise (M/WBE) evaluation preference for African American and Women owned firms. AECOM committed to an SBE participation of 35%. The actual S/M/WBE participation will be identified on each CSA and will be tracked cumulatively over all CSAs issued under the contract. SBE participation on CSA No. 1 is 35%. AECOM is a local business. Funding for this contract is from various funds. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to authorize: the County Administrator or designee which in this case shall be the Director of Facilities Development and Operations to execute an amendment to the Construction Manager (CM) at Risk Services contract with The Weitz Company, LLC (R2022-1446) for the Government Center 12th Floor Flooring project in an amount not to exceed of \$365,000 for a period of 120 calendar days from notice to proceed. **SUMMARY:** On December 6, 2022, the Board of County Commissioners (Board) approved the CM at Risk Services contract with The Weitz Company, LLC to provide construction management services for the Governmental Center Renewal and Replacement (R/R) project. The Government Center 12th floor flooring in the Commissioners' area is in need of replacement. This amendment will authorize The Weitz Company, LLC to proceed with construction management services including bidding, procuring, shipping and installation of the new flooring and flooring accessories for the Government Center 12th Floor Flooring project. Authority to execute the amendment is being requested, so that the amendment can be executed prior to the next Board meeting, to expedite the process so that the procurement and installation of the new flooring and flooring accessories can be completed while minimizing interference with daily operations. The amendment to be signed will be substantially similar to the form included as Attachment 2 to this agenda item. The County Attorney's approval of the amendment will be secured prior to the amendment being executed under this delegation of authority. The amendment will be submitted as a receive and file item after it is executed. The amendment will be subject to the requirements of the Equal Business Opportunity Ordinance, including requesting that an Affirmative Procurement Initiative be set prior to bidding the subcontracts. The Weitz Company, LLC is not a certified Small/Minority/Women-Owned (S/M/WBE) Business Enterprise. The Weitz Company, LLC partnered with All-Site Construction Inc., an S/MBE Business Enterprise firm for services in the amount not less than 15% of its preconstruction and construction phase fees. The Weitz Company, LLC is a local business. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to receive and file: zero-dollar value Change Order No. 2 documenting a decrease (in the amount of \$391,202.37) to the contingency fund of Amendment No. 3 (R2021-0345) for the construction management (CM) contract with Kast Construction Company LLC (R2020-0249.1) for the Palm Beach Sheriff's Office (PBSO) Headquarters Renovation project. **SUMMARY:** On March 10, 2020, the Board of County Commissioners (Board) approved Amendment No. 1 (R2020-0249) to the contract with Kast Construction Company LLC in the amount of \$10,830,487 authorizing exterior hardening services; however, this amendment was terminated for convenience shortly thereafter. On July 7, 2020, the Board approved Amendment No. 2 (R2020-0776) to the contract with Kast Construction Company LLC in the amount of \$585,772.55 authorizing communication and low voltage services. On March 9, 2021, the Board approved Amendment No. 3 (R2021-0345) to the contract with Kast Construction Company LLC in the amount of \$33,653,792 establishing a Guaranteed Maximum Price (GMP) for interior and exterior renovations for the PBSO Headquarters Renovation project. Change Order No. 2 to Amendment No. 3 (Change Order No. 2) authorizes the construction changes relating to the interior and exterior work for the PBSO Headquarters Renovation project. Change Order No. 2 is being submitted to the Board via a receive and file item for transparency and for informational purposes. The CM contract with Kast Construction Company LLC was awarded pursuant to the Small Business Enterprise (SBE) ordinance; however, the GMP was subject to the requirements of the Equal Business Opportunity ordinance since it was established after January 1, 2019. On September 20, 2020, prior to subcontractor advertisement and bidding, the Goal Setting Committee applied an Affirmative Procurement Initiative to the construction subcontracts of 25% SBE participation, of which 5% must be a Minority Business Enterprise (MBE) African American or Hispanic American. The SBE participation for this change order is 34.27%. To date, the cumulative SBE participation on this contract is 17.04% with 7.53% MBE participation. Kast Construction Company LLC is not an SBE certified company, but has partnered with All-Site Construction, Inc., an S/MBE certified company. Kast Construction Company LLC is a Palm Beach County business. **The funding source for this project is the Infrastructure Sales Tax (IST) Fund.** (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to:

**A) approve** a budget amendment of \$45,000 within the General Fund to the Morikami Museum operating budget; and

**B) accept** a Quit-Claim Deed from Sally Ann Snyder, Rheta Bernice Culver a/k/a Bonnie Culver, and Nicole Annette Sorensen f/k/a Nicole Annette Campbell (Grantors) conveying their reversionary rights, title and interest in a portion of Morikami Park, being approximately 88 acres, in exchange for the County's payment of \$45,000.

**SUMMARY:** Morikami Park (Park) is located on Jog Road in western Delray Beach between Linton Boulevard and Clint Moore Road and consists of approximately 188 acres. The County wishes to construct a Ryokan, or Japanese style Inn (Inn), in a portion of the Park via a competitively procured public private partnership. In the early 1970s, through several separate conveyances, George Morikami donated approximately 129 acres of the Park land to Palm Beach County. Pursuant to the quit claim deed from Mr. Morikami to the County for that portion of the Park property where the Inn is expected to be constructed, the property may be used for public park purposes and if it ceases to be used for said purposes, title shall revert back to Mr. Morikami. Subsequently, Mr. Morikami conveyed his reversionary rights to husband and wife Ross S. Snyder and Virginia A. Snyder, both of whom have since passed away. The Grantors are the current beneficiaries of the reversionary rights as heirs of the Snyder estate and have agreed to release said rights to the County in the form of a quit claim deed in exchange for a payment of \$45,000. Morikami, Inc., a not-for-profit charitable organization dedicated to the support of the Museum located within the Park, has agreed to pay the \$45,000 for the conveyance of the reversionary rights. The County's closing costs (title insurance, doc stamps and recording fees) are estimated to be approximately \$900. (Property & Real Estate Management) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file: documents executed in connection with a loan made to KWA Properties LLC, under the Housing and Urban Development (HUD) Section 108 Loan Program as follows:

- A) Palm Beach County Section 108 Promissory Note 2022 for \$470,000;
- B) Palm Beach County Section 108 Loan Agreement for \$470,000;
- C) Palm Beach County Section 108 Loan Program Agreement for \$470,000;
- D) Palm Beach County Mortgage Agreement for \$470,000;
- E) Palm Beach County Section 108 Collateral Security Agreement for \$470,000;
- F) Palm Beach County Section 108 Guaranty Agreement for \$470,000;
- G) Palm Beach County Section 108 Environmental Indemnity Agreement;
- H) Palm Beach County Section 108 Further Assurances and Errors and Omissions Statement;
- I) Borrower's Certificate for KWA Properties LLC;
- J) Corporate Guarantor's Certificate for Hamburger Haven Inc.;
- K) State of Florida Uniform Commercial Code Financing Statement for Hamburger Haven Inc.; and
- L) Intercreditor Agreement.

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The documents have been executed on behalf of the Board of County Commissioners (BCC) by the County Administrator or designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. This Section 108 loan in the amount of \$470,000 is for KWA Properties LLC, the real estate holding company for Hamburger Haven, Inc., a restaurant founded in 1941 by the Allen family. The Section 108 loan funds will be used for renovation of its existing building and facilities located at 1018-1022 N. Tamarind Avenue, West Palm Beach, FL 33401. The total cost of the project is \$1,884,500. The County's Section 108 loan funds will be matched dollar for dollar by the City of West Palm Beach Community Redevelopment Agency for the revitalization of the area. The project will create 14 new full time equivalent jobs over five years. District 7 (HF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to:

**A) approve** an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the total amount of \$160,941 to SP Grove LLC;

**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 \$146,925 in Impact Fee Assistance Program – Roads Zone 4 to appropriate funds for SP Grove LLC; and

**D) approve** a budget transfer of \$14,016 in Impact Fee Assistance Program – Public Building to appropriate funds for SP Grove LLC.

**SUMMARY:** On October 8, 2022, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$1,353,370 in IFAHAP funding available from Palm Beach County's Fiscal Year 2022 funding cycle. SP Grove LLC submitted an application for \$287,881.40 in response to the NOFA. Staff recommends the remaining available funding of \$160,941 be provided as a credit for impact fees associated with the construction of 92 rental units located at 5321 Maine Street, in unincorporated Lake Worth Beach (the Project). SP Grove LLC will be given credits for Roads Zone 4 Impact Fees (\$146,925) and Public Building Impact Fees (\$14,016) for the construction of the Project. SP Grove LLC will pay impact fees above the allocated \$160,941. The Certificate of Award and related documents will be issued to the entity identified herein and its successors and/or assigns. According to IFAHAP requirements, the units will be rented to persons with income at or below 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 3 (HJF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to receive and file: Amendment 001 to agreement with the Town of Lantana, dated October 1, 2022 (R2022-1212), under Fiscal Year 2022-2023 for the Community Development Block Grant (CDBG) program. **SUMMARY:** The original Agreement provided \$55,740 in funding to enhance the available Dog amenities within Maddock Park, located at 1200 W. Drew Street, in the Town of Lantana. Amendment 001 extends the original Agreement performance requirement date to award construction contract from December 31, 2022 to March 31, 2023. The time extension is needed to complete the design and bidding processes and allow the Town adequate time to award a construction contract within the project budget. These documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 3I-4, as approved by the BCC on October 18, 2022. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **These are Federal CDBG funds, which require no local match.** District 7 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

4. Staff recommends motion to:

**A) approve** a request for an Amendment to Series B of 2021 Bond and an Amendment to Loan Agreement R2020-0711 pursuant to which such Bond was issued to finance a project on behalf of Caron of Florida, Inc.; and

**B) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing certain amendments to the Revenue Bonds (Caron of Florida, Inc. Project), Series B of 2021 (the 2021 Bonds), previously issued in an aggregate principal amount not exceeding \$47,885,000, for the purpose of making a loan to finance a project on behalf of Caron of Florida, Inc.; confirming that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided; approving and authorizing the execution and delivery of the documents necessary to complete such amendments.

**SUMMARY:** The 2021 Bonds were issued on January 12, 2021 to finance a project consisting of: (i) the construction, installation and equipping of a new medical and detox facility to be located at 4675 W. Linton Boulevard, Delray Beach, Florida; (ii) the acquisition and renovation of Fairways on the Green, a residential housing facility used for extended care treatment services to individuals suffering from chemical dependency, sexual trauma and gambling addiction located at 2045 Lawson Boulevard, Delray Beach, Florida; and (iii) the payment of the costs of issuance of the 2021 Bonds. The proposed amendments will (a) modify the terms of the Series B of 2021 Bond to, among other things, convert the interest calculation from a London Interbank Offer Rate based index to a Term Secure Overnight Financial Rate based index for the Series B of 2021 Bond; and (b) make corresponding amendments to the Loan Agreement and make certain other necessary amendments to the terms and conditions of the Loan Agreement. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the 2021 Bonds.** Districts 4 & 7 (HF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

5. Staff recommends motion to receive and file: the following documents:

**A)** a Grant Agreement/Funding Approval with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$6,492,406 for the Fiscal Year 2022-2023 Community Development Block Grant Program (CDBG);

**B)** a Grant Agreement/Funding Approval with HUD in the amount of \$2,703,963 for the Fiscal Year 2022-2023 HOME Investment Partnerships Program (HOME);

**C)** a Grant Agreement/Funding Approval with HUD in the amount of \$577,734 for the Fiscal Year 2022-2023 Emergency Solutions Grant Program (ESG);

**D)** a budget amendment in the amount of \$373,238 in the Housing and Economic Development Fund; and

**E)** a budget amendment in the amount of \$284,738 in the Home Investment Partnership Act Fund.

**SUMMARY:** The documents were executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Resolution R2022-0746, approved by the BCC on July 12, 2022, that delegated authority to the County Administrator or designee. The grant agreements/funding approvals constitute the contracts between HUD and the County for the receipt of Federal funds and are now being submitted to the BCC to receive and file. The CDBG Program works to provide decent affordable housing, community facilities and services, and economic opportunities for low and moderate income persons. Activities include Public Services, Economic Development, Municipalities, and County Capital Projects. The HOME Program leverages resources to provide affordable housing to lower-income families through direct assistance to homeowners and homebuyers, and loans and grants to housing developers. The ESG Program provides housing and supportive services to the homeless and those at risk of homelessness through the local Continuum of Care system. 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 ESG required local match (\$577,734) will be provided by Adopt-A-Family of the Palm Beaches, Young Women's Christian Association, Salvation Army, Aid to Victims of Domestic Abuse, Inc., the Department of Community Services, and HED. The HOME required local match (\$574,593) will be provided from the State Housing Initiatives Partnership Program. CDBG funds require no local match.** Countywide (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

6. Staff recommends motion to execute: a “Certification By State or Local Official of Public Housing Authority Plans Consistency with the Consolidated Plan or State Consolidated Plan” for the Pahokee Housing Authority (PHA) in connection with its Annual Plan for Fiscal Year 2023. **SUMMARY:** The PHA has prepared its Annual Plan for Fiscal Year 2023 for submission to the Department of Housing and Urban Development (HUD). HUD requires the County to confirm that the plans and programs outlined in the Annual Plan are consistent with the goals and objectives set forth in the County’s Consolidated Plan. Consistency with the Consolidated Plan is documented through a “Certification by State or Local Official of Public Housing Authority Plans Consistency with the Consolidated Plan or State Consolidated Plan.” The Department of Housing and Economic Development (HED) has reviewed the PHA Annual Plan Summary and determined that the goals, objectives, and activities outlined therein are consistent with the Palm Beach County Consolidated Plan for Fiscal Years 2020-2024. Some specific goals outlined in the PHA’s Plan which are consistent with the goals set forth in the County’s Consolidated Plan are: expand the supply of affordable housing; improve the quality of assisted housing; increase assisted housing choices; provide an improved living environment; promote self-sufficiency and development of individuals and families; and ensure equal opportunity and affirmatively further fair housing. District 6 (HJF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

**A)** Amendment No. 1 to the Consulting/Professional Services Capital Improvement Plan Program Management (Contract) with Stantec Consulting Services Inc., (Stantec) providing for the renewal of the contract for one year; and

**B)** Consultant Services Authorization (CSA) No. 4 to the Consulting/Professional Services Capital Improvement Plan Program Management (Contract) with Stantec for Program Management and Implementation Services (Project) for a not to exceed amount of \$4,719,455.40.

**SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0161) with Stantec. CSA No. 4 provides for the resources needed to support the implementation of Capital Improvement Plan projects for one year. The Consultant will provide services throughout the project life cycle of water, wastewater and reclaimed water treatment and transmission projects in the areas of delivery, controls, permitting, communications, and asset management. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On March 20, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms. Stantec has met the established API. The Contract provides for 25% SBE participation which includes 25% M/WBE participation, 22% MBE (B), and 3% WBE. CSA No. 4 includes 34.62% SBE participation, which includes 34.62% M/WBE, 30.97% MBE (B) and 3.65% WBE. The cumulative SBE participation including CSA No. 4 is 35.31% SBE, which includes 35.31% M/WBE participation, 31.91% MBE (B) and 3.40% WBE. Stantec is a New York registered U.S. company whose parent company is domiciled in Canada. Most members of Stantec's project team will be co-located with PCWUD staff at the Central Region Operations Center from which the majority of the work under CSA No. 4 will be undertaken. Article 2 of the Contract provides for a term of three years with two one-year renewal options. Amendment No. 1 to the Contract provides for the first of the optional renewals that will provide continuity and the continued effective and efficient implementation of the PBCWUD program implementation process. The renewal will authorize Stantec to continue the program implementation process from February 11, 2023 to February 10, 2024. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 20-010 CSA No. 4 and PBCWUD Project No. 19-028 Contract) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Consulting/Professional Services Pressure Pipeline Engineering Services (Contract) with Mock Roos & Associates, Inc. (Consultant) for Engineering Services During Construction for Lake Worth Road Force Main Rehabilitation - East (Project) for a not to exceed amount of \$175,242. **SUMMARY:** On April 20, 2021, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2021-0505) with Consultant. CSA No. 3 provides for professional engineering services during construction for the force main improvement along Lake Worth Road, between Raulerson Drive and Congress Avenue including, but not limited to, construction management services, field observations, and project administration. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On July 1, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms. The Contract provides for 34% SBE participation, which includes 34% MBE participation, 34% MBE (B). CSA No. 3 includes 27.39% SBE participation, which includes 27.39% MBE, 27.39% MBE (B). The cumulative SBE participation, including CSA No. 3, is 32.28%, which includes 32.28% MBE, 32.28% MBE (B). Consultant is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 20-076) District 3 (MWJ)
  
3. Staff recommends motion to approve: Partial Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 21587 Page 0001. **SUMMARY:** Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in the utility easement recorded in the Official Records of Palm Beach County as noted above and located at 2850 Ranch House Road, West Palm Beach. The Property Owner requested release of the portions of the identified easement that are no longer associated with any public potable water, reclaimed water and wastewater facilities. As a result of site development for Ranch House Road Industrial, these portions of the existing identified utility easement are no longer required. PBCWUD has determined that these portions of the easement are no longer required. PBCWUD has determined that the release of the easement will not affect existing or new public potable water, reclaimed water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 22-516) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to the contract for Consulting/Professional Services – South County Reclaimed Water Transmission Pipeline – Phase I (Contract) with Chen Moore and Associates, Inc., (Consultant) to extend the term of the Contract for an additional year. **SUMMARY:** On March 13, 2018, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2018-0295) with Consultant to provide engineering services during design, permitting, bidding and construction phase services for the South County Reclaimed Water Transmission Pipeline – Phase I (Project). The total term of the Contract was for five years. The Project provides for the first phase in the design of the infrastructure necessary to deliver reclaimed water from Broward County’s northern wastewater treatment plant to the PBCWUD service area and focuses on the east and west portions of the transmission infrastructure required to deliver reclaimed water to potential customers. The Project contains approximately nine miles of this transmission pipeline and has been designed in sub-phases to provide for multiple competitively bid construction sub-projects. The Project has experienced delays due to bid protests and rebidding efforts for Phase I A construction. Phase I B is nearing the end of design and requires bidding and construction phase services from the Consultant. Amendment No. 1 will extend the term of the Contract for one year to allow for continuity of service with the Consultant for these services. Staff is recommending this extension in accordance with Section 2-54(b) of the County Purchasing Code, which allows extensions to competitively bid contracts beyond the specified term or renewal period when the Board determines that such an extension of the term or renewal period is beneficial to the interest, health, safety or welfare of the County. 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 Opportunity Ordinance on October 16, 2018. The SBE goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 82.5% SBE participation. Amendment No. 1 includes an overall SBE participation of 0%. The cumulative SBE participation including Amendment No. 1 is 84.57%. Consultant is headquartered in Fort Lauderdale, Florida, 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 FY23 budget. (PBCWUD Project No. 17-035) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to:

**A) approve** the acceptance of Standard Grant Agreement 22FRP71 with the State of Florida Department of Environmental Protection (FDEP) in the amount of \$7,707,222.30 for the Western Region Wastewater Treatment Facility (WRWWTF) Operations Building Replacement (WRWWTF Project);

**B) approve** acceptance of Standard Grant Agreement 22FRP75 with the FDEP in the amount of \$250,000 for the Wastewater Lift Station 0637 (LS 0637) Hardening Improvements (LS 0637 Project). Both agreements are effective as of the date of execution by the Board of County Commissioners and ends September 30, 2026;

**C) authorize** the County Administrator or designee to execute standard grant agreements, amendments, and all other documents necessary for the implementation of the grant award; and

**D) approve** a \$7,957,223 budget amendment in the Water Utilities Department Capital Improvement Fund to establish budget for the grants.

**SUMMARY:** The FDEP has allotted \$404 million in the Resilient Florida Grant Program for fiscal year 2021-2022 funding to effectively address the impacts of flooding and sea level rise that the State faces through projects that analyze and plan for vulnerabilities and implementation projects for adaptation and mitigation. The WRWWTF Project consists of replacing the existing building with a state-of-the-art building to provide a safer more dependable environment and prevent potential for critical system failure. LS 0637 Project includes elevating the critical components, such as access hatches, power supply, and instrumentation system to improve reliability of operation during projected periods of groundwater inundation, storm surge and rainfall induced flooding. The failure of this facility during these projected periods will result in an environmental disaster caused by wastewater overflows and exposure within its service area. Awards were distributed on a competitive basis, which targeted projects that have undergone a comprehensive vulnerability assessment of potential impacts from flooding. The Projects are included in the PBCWUD FY23 budget. (PBCWUD Project Nos. 22-012 WRWWTF and 21-021 LS 0637) The \$7,945,590.00 22FRP71 grant requires a \$238,367.70 (30%) match and the \$500,000 22FRP75 grant requires a \$250,000 (50%) match, which will be funded from a one-time expenditure from Water Utilities user fees, connection fees and balance brought forward. Districts 3 & 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to approve:

**A)** a contract for Lift Station 5133 (LS 5133) Conversion to Repump (Project) with TLC Diversified, Inc. (TLC) in the amount of \$4,438,000; and

**B)** Consultant Services Authorization (CSA) No. 5 to the Consulting/Professional Engineering Services for Master Lift Station and Repump Improvements (MLS Contract) with AECOM Technical Services, Inc., (AECOM) for Engineering Services During Construction for Project for a not to exceed amount of \$320,421.50.

**SUMMARY:** On September 7, 2022, the Palm Beach County Water Utilities Department (PBCWUD) received three bids for the Project. The Project provides for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to convert LS 5133 to an inline booster pump station. The work includes mechanical, electrical, and civil work including new pumps, piping, valves, variable frequency drives, lighting, instrumentation, control panel, closed circuit television, electrical building, overhead hoist, overhead cover, demolition of existing pump station, temporary bypass pumping, appurtenances, and all work indicated in the drawings and technical specifications. This Project was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On March 2, 2022, the Goal Setting Committee (GSC) approved an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation goal of which 5% shall be among certified African American and/or Hispanic American owned firms. TLC was determined to be the lowest responsive and responsible bidder in the amount of \$4,438,000. TLC has met the established API for this Project. The Contract with TLC provides for 21.23% SBE participation, which includes 6.05% MBE (B). TLC is headquartered in Palmetto, Florida, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. On April 20, 2021, the Board of County Commissioners approved the PBCWUD MLS Contract (R2021-0508) with AECOM. Under CSA No. 5, AECOM will provide engineering services during construction of the Project. The Contract with AECOM was procured under the requirements of the EBO Ordinance. On July 1, 2020, the GSC applied an API of a minimum mandatory 20% SBE subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified SBE firms. The MLS Contract provides for 31% SBE participation, which includes 19% MBE participation, 17% MBE (B), and 2% MBE (A). CSA No. 5 includes 9.45% SBE participation, which includes 0% MBE participation, 0.00% MBE (B), and 0% MBE (A). The cumulative SBE participation including CSA No. 5 is 21.66% SBE, which includes 13.38% MBE participation, 13.38% MBE (B), and 0% MBE (A). While Consultant is headquartered in Los Angeles, California, they maintain an office in Palm Beach County from which the majority of the work under this CSA will be performed. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-020) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. Staff recommends motion to approve:

**A)** Work Order (WO) No. 1 to the contract for Engineering and Construction Services for Optimization and Improvements Design-Build (Contract) with Globaltech, Inc., (Design-Build Entity) for the Water Treatment Plant (WTP) No. 3 Raw 42-inch Water Line Replacement (Project) for a Guaranteed Maximum Price in the amount of \$4,050,826, which has a start date of December 20, 2022 to allow Design-Build Entity to be compensated for emergency work at WTP No. 3; and

**B)** a \$2,188,000 budget transfer in the Water Utilities Department Capital Improvement Fund to establish budget for the entire project.

**SUMMARY:** On January 24, 2023, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract with Design-Build Entity, which had a start date of December 20, 2022. WO No. 1 provides for the design, hydraulic analysis and installation of a 36-inch temporary raw water bypass line and the replacement of a 42-inch Epoxy Lined Ductile Iron Pipe from the Venturi meter vault to the acid dilution point at WTP No. 3. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On October 6, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to ten points for M/WBE and up to five points for mentoring based upon the relative level of dollar participation. The Contract provides for 24% SBE Participation which includes 12% MBE participation, 5.5% MBE (B), 2.5% MBE (H), and 4% MBE (A). WO No. 1 includes 9.29% overall participation which includes 6.32% MBE participation, 6.32% MBE (B), 0% MBE (A), and 0% MBE (H). The Cumulative SBE participation, including WO No. 1, is 9.29% which includes 6.32% MBE participation, 6.32% MBE (B), 0% MBE (A), and 0% MBE (H). Design-Build Entity is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 23-017) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) receive and file** Florida Inland Navigation District (FIND) Project Agreement No. PB- 22-220 (Agreement) executed December 20, 2022, by FIND, for \$365,000 for the Providencia Cay Habitat Restoration Project within the City of West Palm Beach, expiring September 30, 2024; and

**B) approve** a budget amendment in the Manatee Fund for \$365,000 to recognize the revenue from the FIND Agreement No. PB-22-220.

**SUMMARY:** On May 3, 2022, the Board of County Commissioners authorized the County Administrator or designee to execute the FIND Waterways Assistance Program Project Agreement (R2022-0440) for \$365,000. **The agreement provides that each party shall be liable for its own actions, but does not contain language indicating that each party shall indemnify, defend and hold harmless the other party against any actions, claims or damages arising out of the other party's negligence.** This FIND grant covers approximately 50% of the estimated project costs. The remaining funds of \$365,000 will come from the Manatee Protection Fund. District 7 (SF)

2. Staff recommends motion to receive and file: the Annual Certified Budget for Mosquito Control (Form 13617) with the Florida Department of Agriculture and Consumer Services (FDACS) for Mosquito Control activities performed during the fiscal year period beginning October 1, 2022 through September 30, 2023. **SUMMARY:** On July 12, 2022, the Board of County Commissioners approved the County Administrator or designee to sign the Annual Certified Budget for Arthropod Control and State Financial Assistance Recipient Agreement (R2022-0711). The agreement normally provides arthropod control state aid to support mosquito control activities and it is based on the Annual Certified Budget submitted to the agency each September. However, no state aid has been awarded this year, and therefore there is no agreement. Although no agreement was required this year, on January 24, 2023, the County approved a Memorandum of Understanding with FDACS under which monthly reports are still required and due to FDACS to remain eligible for state funding in future years. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to receive and file: Amendment No. 2 to the State of Florida, Florida Department of Environmental Protection (FDEP) Agreement No. 19PB3 (Agreement), for the Ocean Ridge Shore Protection Project (Project), extending the Agreement termination from December 15, 2022 to December 15, 2023. **SUMMARY:** On August 14, 2018, the Board of County Commissioners approved the Agreement (R2018-1213) providing FDEP cost-share for design and permitting associated with ongoing project maintenance, and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment No. 1 (R2021-0915) extended the termination date by two years. Amendment No. 2 extends the Agreement one additional year. The United States Army Corps of Engineers completed a 2020 Flood Control and Coastal Emergencies (FCCE) nourishment to repair storm damage associated with Hurricanes Irma and Dorian. Due to the timing of the 100% federally funded FCCE project, the FDEP funding provided by the Agreement was not used during the original term. In accordance with County PPM CW-O-051, all delegated contracts/agreement/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 4 (SF)
  
4. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. APTIM-01 to contract approved on January 10, 2023 with Aptim Environmental & Infrastructure, LLC (APTIM) in an amount not to exceed \$217,838.91 providing for sea turtle monitoring services during the 2023 sea turtle nesting season. **SUMMARY:** The Board of County Commissioners approved the contract with APTIM, a Palm Beach County company, on January 10, 2023. CSA No. APTIM-01 authorizes APTIM to manage permit-required sea turtle monitoring activities in association with the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project, the Ocean Ridge Shore Protection Project, and the Singer Island Dune Restoration Project. The CSA is funded by the Beach Improvement Fund and is eligible for cost sharing from the Florida Department of Environmental Protection. The contract requires APTIM to adhere to 20% mandatory Small Business Enterprise (SBE) subcontracting goal as the Affirmative Procurement Initiative. APTIM committed to an overall 22% SBE participation in the contract. SBE participation for this CSA is 96.6%. The cost to the County is \$217,838.91. Districts 1 & 4 (YBH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to approve: Work Order No. IAC-02 to the Palm Beach County Inshore Annual Construction Contract (Federalized), Project No. 2021ERM02 with Arbor Tree & Land Inc. (ATL) at a cost not to exceed \$1,660,222 for a term of 150 days. **SUMMARY:** On July 13, 2021, the Board of County Commissioners approved the Contract (R2021-0918) with ATL. Work Order No. IAC-02 will authorize the construction of Tarpon Cove Restoration Project Phase III creating seagrass and oyster habitat, and the installation of warning signs. The State and Federal agreements 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. Project costs are shared by 18% Federal funds within Florida Fish and Wildlife Commission Agreement No. 20306 (R2021-0821), 41% State funds through the Florida Department of Environmental Protection Agreement No. LP50202 (R2017-0082), and 41% County funds from the Manatee Protection Fund. The cost to the County is \$684,724.56. District 2 (YBH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to:

**A) approve** an agreement with the Palm Beach County Fishing Foundation, Inc. (PBCFF) wherein PBCFF will provide donated artificial reef material to the County in exchange for the County agreeing to place the material within permitted artificial reef sites at a cost to the County not to exceed \$300,000;

**B) adopt** a resolution authorizing the Clerk of the Board to disburse \$300,000 from the Vessel Registration Fee Trust Fund to provide the necessary funding for the placement of artificial reef material;

**C) approve** a budget transfer of \$300,000 from the reserves in the Environmental Enhancement Non-Specific Fund to the Palm Beach County Fishing Foundation Reef Project; and

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

**SUMMARY:** On December 3, 2019, the Board of County Commissioners approved an agreement, R2022-1848, with the PBCFF for the donation of reef material in exchange for the County providing trucking, barge transport, and installation costs for an amount not to exceed \$300,000. That agreement expired on December 31, 2022. The new agreement with the PBCFF continues that arrangement for the next three years. The County will cover the cost to load, transport, and place material donated by the PBCFF at one or more permitted Palm Beach County artificial reef sites, with funding of \$300,000 from the Vessel Registration Fee Trust Fund. The agreement will begin upon execution and end on February 7, 2026. **The agreement contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the nature of the agreement, and the non-waiver of sovereign immunity beyond the statutory caps of Section 768.28, Florida Statutes. Countywide (SF)**

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to approve: one new appointment to complete the term of the Management of Natural Areas (Mr. Steve Coughlin) seat on the Natural Areas Management Advisory Committee (NAMAC). Seat No. 1 is for a term of 0.6 years (7 months) beginning February 7, 2023 through September 30, 2023.

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
1	Michael Cheek	Experience in the Management of Natural Areas	09/30/23	Mayor Weiss Comm. Marino

**SUMMARY:** Resolution No. R2013-1328 provides for a seven-member NAMAC. Membership consists of one member with experience in the management of natural areas, one biological scientist, one professional educator with knowledge of South Florida ecosystems, one representative of a local municipal government parks and recreation program, one member of the Palm Beach County Parks and Recreation Department staff, and two citizens having an interest in preservation and conservation of natural areas. With the appointment of Mr. Michael Cheek (who will replace Mr. Steve Coughlin when he retires), all seven seats will be filled with diversity count of Caucasian: 6 (86%) and African American: 1 (14%). The gender ratio (female/male) is 4:3. The Seat No. 1 nominee is a Caucasian male. Staff continues to address the need for increased diversity within our boards and will encourage expansion of this Board's diversity. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. Staff recommends motion to:

**A) approve** a contract for Consulting/Professional Services with Loggerhead Marinelife Center, Inc. (LMC) for an amount not to exceed \$1,427,465.51, providing for a three-year period of sea turtle monitoring services for the North County Comprehensive Shoreline Protection Project (NCCSPP), beginning upon execution of this Contract and expiring December 31, 2025; and

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

**SUMMARY:** Environmental permits issued by state and federal agencies for the NCCSPP require pre-construction and post-construction monitoring services and a report of marine turtle nesting activity for the project area. These conditions could be required through 2025 for this project. LMC, a private non-profit corporation, will conduct all permit-required monitoring for these projects under this contract. The contract is funded by tourist development taxes and is eligible for cost sharing from the Florida Department of Environmental Protection. District 1 (SF)

9. Staff recommends motion to receive and file: Amendment No. 2 to the State of Florida, Florida Department of Environmental Protection (FDEP) Agreement No. 19PB1 (Agreement), for the Jupiter/Carlin Shore Protection Project (Project), extending the Agreement termination from December 30, 2022 to December 30, 2023. **SUMMARY:** On October 8, 2019, the Board of County Commissioners approved the Agreement (R2019-1541) providing FDEP cost-share for nourishment construction and first year post construction monitoring, and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment No. 1 (R2021-0915) extended the termination date by 21 months. Amendment No. 2 extends the agreement one additional year. The United States Army Corps of Engineers completed a 2020 Flood Control and Coastal Emergencies (FCCE) nourishment to repair storm damage associated with Hurricanes Irma and Dorian. Due to the timing of the 100% federally funded FCCE Project, the FDEP funding provided by the agreement was not used during the original term. 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 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

10. Staff recommends motion to:

**A) ratify** Singer Island Emergency Dune Restoration Contract No. 2023ERM02 (Contract) with Eastman Aggregate Enterprises, LLC (Contractor) in the amount of \$2,137,500.64 to provide dune restoration services for the Singer Island Dune Restoration Project (Project), for a term beginning January 20, 2023 and expiring 90 calendar days from the Notice to Proceed; and

**B) approve** a budget transfer of \$2,137,501 from the Beach Improvement Fund Reserves to the Singer Island Dune Restoration Project.

**SUMMARY:** The Contract provides for emergency dune restoration within the Project area, which suffered extensive erosional damage in November 2022 due to waves generated by Hurricane Nicole. Restoration of the dune was most recently completed in February 2022, but the area was eroded to pre-restoration conditions by the Hurricane. Because of this, and the fact that dune and beach construction is not authorized during marine turtle nesting season (March 1 through October 31), it became necessary to complete an immediate restoration of the Project on an emergency basis. The Federal Emergency Management Agency (FEMA) provides funding assistance where declared emergencies affect shore protection projects. In order to qualify for potential FEMA funding, the County inquired about dune construction rates from other local governments with existing competitively bid contracts including federal requirements; the Town of Jupiter Island (Town) has an existing contract for these services where the Contractor is the low bidder and willing to accept additional work at existing rates. Pursuant to Sections 2-53 (f) and 2-54 (f)(4) of the Palm Beach County Purchasing Code, and based on these emergency circumstances where approval by the Board of County Commissioners could not be obtained in a timely manner, the Environmental Resources Management Department Director executed the Contract on January 20, 2023. The Contract allowed an immediate start to emergency restoration work. District 1 (YBH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following two executed Entertainment Contractor Agreements:

A) Frank LoVerso in an amount not to exceed \$600 for the Whitestone concert at Canyon Amphitheater, on November 19, 2022; and

B) Chase Stites in an amount not to exceed \$500 for the Chase Stites concert at Canyon Amphitheater, on December 17, 2022.

**SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship in the amount of \$1,100 from Nostalgic America offset the expenses of these two concerts at the Canyon Amphitheater. These Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. 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. District 5 (AH)

2. Staff recommends motion to receive and file: the following two executed Amphitheater Rental Agreements:

A) The Leukemia & Lymphoma Society, Inc., for the Light the Night Walk at Sunset Cove Amphitheater, on November 5, 2022; and

B) Alzheimer's Disease and Related Disorders Association, Inc., for the Walk to End Alzheimer's at Sunset Cove Amphitheater, for the period of November 11, 2022 through November 13, 2022.

**SUMMARY:** These Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166. The Department is now submitting 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. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: an executed Amphitheater Rental Agreement with AEG Presents SE, LLC for the Trinity of Terror Concert at Sunset Cove Amphitheater, for the period November 27, 2022 through November 28, 2022. **SUMMARY:** This Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2011-1960. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)
  
4. Staff recommends motion to receive and file: the following two executed Sound and Light Production Service Contractor Agreements:
  - A) Sanderford Sound, Inc. in an amount not to exceed \$700 for Trinity of Terror concert at Sunset Cove Amphitheater, on November 27, 2022 through November 28, 2022; and
  
  - B) Sanderford Sound, Inc. in an amount not to exceed \$2,800 for Cyclops Cove concert at Sunset Cove Amphitheater, on December 8, 2022 through December 12, 2022.

**SUMMARY:** These Sound and Light Production Service Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolutions 2010-0645, 2014-0167, 2017-1368 and 2018-0179. 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. District 5 (AH)
  
5. Staff recommends motion to receive and file: an executed Sponsorship Agreement with Nostalgic America, Inc., for a cash sponsorship in the amount of \$6,000 for a series of nine Legends of the Lawn events at Canyon Amphitheater, for the period January 1, 2023 through December 31, 2023. **SUMMARY:** This Sponsorship Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-0442, amended by Resolution 2017-0102. Sponsorship events help offer a balanced schedule of events, which promote the quality of life in the communities we serve. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

**A) execute** an Interlocal Grant Agreement between Palm Beach County and Solid Waste Authority of Palm Beach County for \$60,000 towards the demolition and removal of the Caloosa Park, Boynton Beach, Racquetball Courts for the period February 7, 2023 through December 31, 2023;

**B) approve** a budget amendment of \$60,000 within the Park Improvement Fund to establish budget for the approved grant project; and

**C) authorize** the Director of the Parks and Recreation Department to serve as the County's Contract Representative with the authority to execute time extensions, task assignments, certifications, standard forms, and amendments to the agreement that do not substantially change the scope of work.

**SUMMARY:** On September 8, 2022, the Parks and Recreation Department submitted a Solid Waste Authority 2023 Blighted and Distressed Property Cleanup and Beautification Grant application. The application requested \$60,000 in funding to cover the cost of demolition of the Caloosa Park racquetball courts. The three-wall racquetball courts were constructed in 1982 and are 41 years old. The courts have been repeatedly patched over the years and are nearing a state of disrepair. The County plans on demolishing the existing courts and constructing new courts in their place. Grant funding has been awarded and the Interlocal Grant Agreement is being presented to the Board of County Commissioners for approval. **The grant does not require a County match.** Reconstruction of the racquetball courts following demolition is funded through the Infrastructure Surtax Project Plan. The agreement term is from February 7, 2023 through December 31, 2023. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to:

**A) execute** the Florida Department of Environmental Protection – Loxahatchee River Preservation Initiative Grant in the amount of \$125,000 for a culvert replacement project in Loxahatchee River Battlefield Park for the period February 7, 2023 through December 30, 2025;

**B) authorize** the County Administrator or designee to execute task assignments, certifications, standard forms, or amendments to the agreement that do not substantially change the scope of work or terms and conditions of the agreement;

**C) authorize** the Director of the Parks and Recreation Department to serve as the Project Designee and Project Liaison; and

**D) approve** a budget amendment of \$125,000 within the Park Improvement Fund to establish budget for the approved grant.

**SUMMARY:** The County applied for and was awarded a \$125,000 Loxahatchee River Preservation Initiative Grant (Agreement Number LPA0356 – CFDA Number 37.039) to replace four failing culverts at Loxahatchee River Battlefield Park. The project includes replacing four existing five-foot culverts, which are failing and installing two new culverts that will be large enough to allow canoe and kayak passage, thereby opening up additional areas within the Park for recreation. **The grant does not require a County match.** The agreement term is from February 7, 2023 through December 30, 2025. District 1 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve: a subscription agreement for the Library Department and Grey House Publishing, Inc. for a one year term beginning on upon approval, with renewal options not to exceed five years, in the amount of \$8,995 each year. **SUMMARY:** The Library Department requests a new one year term with four additional one-year renewal options to purchase a subscription with Grey House Publishing, for use by the public. This agreement would provide residents with access to Weiss Financial Ratings Series Online, which provides reviews and rankings to highlight the best and most financially stable organizations. Residents get immediate access to the Weiss' Independent and Unbiased Ratings for, Life & Annuity Insurers, Property & Casualty Insurers, HMOs & Health Insurers, Banks, Credit Unions, Stocks, Exchange-Traded Funds, Stock Mutual Funds, and Bond & Money Market Mutual Funds. This service will, over time, replace the print editions currently found in branches. The vendor requires the County enter into a license agreement that contains liability provisions different from the County's standard requirements. The Department has requested Risk Management and County Attorney's Office approval of the non-standard liability provision. Due to business needs and after advising the Department accordingly, approval has been granted by Risk Management and the County Attorney's Office to move the agreement forward for Board of County Commissioner approval. **Grey House Publishing's limitation of liability is limited to the total amount of fees received by Grey House Publishing from the County, and is not liable for any indirect, incidental, consequential, punitive or special damages related to the use of the product, even if advised of the possibility of damages.** Countywide (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY (Cont'd)

2. Staff recommends motion to approve: the write-off of uncollectible lost/damaged library materials charges from library card accounts found in the Library Department's Integrated Library System (ILS) database for all lost/damaged charges dated from October 1, 2016 to September 30, 2017 for a total of \$178,855.15. **SUMMARY:** Library card account holders are required to return library items in the condition they were borrowed with the expectation of minimal wear and tear. Account holders who fail to return library items by their due date are charged the full replacement amount as specified in the item record and their account is blocked from further borrowing if charges stand at \$25 or higher. Returning the item in good condition will remove associated charges. Account holders who return items in a damaged condition are charged the full replacement amount as specified in the item record and their account is blocked from further borrowing if charges stand at \$25 or higher. Borrowing privileges are restored if the account has fewer than \$25 in charges. The Library Department contracts with a collection agency to collect unpaid bills. The agency makes several attempts to contact the borrower. Unpaid charges referred to collections do not effect a borrower's credit. The ILS contains all information on borrowers and items in the collection. The Library Department was given permission on February 1, 2022 by the BCC to write-off all uncollectible lost/damaged materials charges dated prior to October 1, 2016. Based on an ILS report, the system contains 10,300 lost/damaged bills dated from October 1, 2016 to September 30, 2017 spread across 3,670 user accounts. Obsolete item records cannot be removed when still attached to a borrower's record, which leads to database management concerns such as slower response times and increased storage charges. Borrower records are considered expired and removed from the ILS if the account is dormant for seven years. Library card accounts with lost/damaged charges that would normally have expired cannot be removed from the database. Retaining this information increases the amount of storage required for the ILS, which leads to database management concerns. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to receive and file: a first amendment to Grant Agreement (R2021-1576) between Palm Beach County (County) and the Legal Aid Society of Palm Beach County (Legal Aid) to extend the agreement from October 18, 2022 through October 18, 2023 and to increase the contract amount by \$75,000 for a not to exceed amount of \$150,000. **SUMMARY:** The first amendment to the Grant Agreement with Legal Aid extends the funding period to support the continuation of the Community ID Card Program. On October 19, 2021, the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Grant Agreement. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. Countywide (HH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to:

**A) receive and file** grant award #15PBJA-22-GG-02127-JAGX from the U.S. Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Formula Federal FY22 Direct Grant in the amount of \$131,548 beginning October 1, 2021 through September 30, 2025 to fund the Palm Beach County Reentry Program;

**B) approve** a downward budget amendment of \$9,187 in the Criminal Justice Grant Fund to adjust the budget to the actual grant award and reduce funding to the Justice Services Grant Fund and the Palm Beach County Sheriff's Office upon removal of a special condition regarding funding of National Incident-Based Reporting System;

**C) approve** a budget amendment of \$4,965 in the Justice Services Grant Fund to reduce the transfer from the Criminal Justice Grant Fund and reduce the appropriation budget; and

**D) approve** a budget amendment of \$4,222 in the Sheriff's Grants Fund.

**SUMMARY:** On September 22, 2022, the Criminal Justice Commission (CJC) was notified by the DOJ that the Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation, previously approved by the Board on October 18, 2022 (R2022-1221), was awarded. Palm Beach County was allocated \$131,548 in Federal FY22 (County FY23) funds as part of the JAG Direct Program (CFDA#16.738) for expenditure during the period October 1, 2021 through September 30, 2025. The CJC approved allocating these funds to the existing Palm Beach County Reentry Program implemented by the City of Riviera Beach. This award will provide \$131,548 in continuation funding to the Reentry Program that provides transitional services to adults reentering society from jail and prison. Approximately 808 individuals have been served by the County's Reentry Program in County Fiscal Year 2022. This includes youth and adults, as well as pre and post-release. This award was executed on behalf of the Board by the Executive Director of the CJC, in accordance with R2022-1221. **No local match is required for this grant.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to:

**A) ratify** the Mayor's signature on a Certificate of Participation for an Annual Florida Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Formula Grant (JAG);

**B) ratify** the Mayor's signature on a 51% letter required by Chapter 11D-9, Florida Administrative Code, that requires each unit of government in each county to reach a consensus concerning the expenditure of JAG funds allocated to the jurisdiction;

**C) ratify** the Mayor's signature on four applications to the Federal Fiscal Year 2021 (County Fiscal Year 2022) FDLE JAG Program in the amount of \$304,703 beginning October 1, 2021 through September 30, 2023 as provided below:

1. Palm Beach County Reentry Program (Gulfstream Goodwill Industries, Inc.) for \$24,107;
2. Palm Beach County Reentry Program (City of Riviera Beach) for \$161,164;
3. Palm Beach County Reentry Program (The Lord's Place) for \$56,451; and
4. Florida Atlantic University for \$62,981.

**D) authorize** the County Administrator or designee to execute the grant award, amendments, documents, and electronic grant reporting forms, related to this grant, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budget allocations.

**SUMMARY:** In August of 2022, the Criminal Justice Commission (CJC) learned that Palm Beach County was allocated \$304,703 in Edward Byrne Memorial JAG funds as part of the FDLE JAG Countywide program (FDLE funding is consistently allocated after the County executes subrecipient contracts). The CJC approved allocating these funds to the existing Palm Beach County Reentry Program in the amount of \$241,722, and to Florida Atlantic University to evaluate the Delray Beach Police Department's Community Outreach Program in the amount of \$62,981. The Countywide Reentry Program provides transitional services for adults and juveniles released from jail and prison to Palm Beach County. Approximately 808 individuals have been served in County Fiscal Year 2022. The evaluation of the Delray Beach Police Department's Community Outreach Program is intended to measure the program's impact, effectiveness, and scalability for Countywide implementation in an attempt to improve the quality of life for all residents by assisting those individuals that are dealing with homelessness and have complex behavioral health challenges. **No County match is required.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

4. Staff recommends motion to receive and file: a first amendment to the Interlocal Agreement with the Florida Atlantic University Board of Trustees (FAU) (R2022-0618) to perform research and evaluation of the Delray Beach Police Department's Community Outreach Program increasing the agreement amount by \$115,456 for a not to exceed amount of \$265,045 and extending the period through September 30, 2025 **SUMMARY:** Palm Beach County's research partner, FAU, will conduct an evaluation of the Delray Beach Police Department's Community Outreach Program. The Program aims to connect and provide alternative diversion services to those who are dealing with mental illness, experiencing homelessness, or battling addiction in the City of Delray Beach. The program involves building relationships and partnering with non-profit organizations to provide services to individuals, sharing information with community patrol and community response officers, and working closely with neighboring jurisdictions. It is expected that such efforts will reduce calls for service and interactions with law enforcement. In support of these objectives, FAU will conduct a series of analyses to evaluate this program. All work will be completed in consultation with the Criminal Justice Commission. Increase is planned to be funded through the Florida Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Formula Grant (JAG) Program in the amount of \$62,981 from the federal fiscal year 2021 allocation and \$52,475 from the federal fiscal year 2022 allocation. However, FDLE funds have not been awarded. In the event, FDLE does not approve the grant application, the increase will be funded from the Crime Prevention Trust Fund. On June 14, 2022, the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Interlocal Agreement. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. Countywide (HH)

S. FIRE RESCUE

1. Staff recommends motion to approve: an Emergency Services Agreement for Mutual Assistance and Automatic Aid with the Sheriff of Broward County (Sheriff), for a period of ten years commencing on February 7, 2023 through February 6, 2033. **SUMMARY:** The agreement provides for emergency mutual assistance and automatic aid to each party for fire suppression, emergency medical services, hazardous material response, marine rescue and/or water-related rescue, and technical rescue during extraordinary emergency events. The agreement further authorizes the parties Fire Chiefs to enter into Letter(s) of Understanding to develop automatic aid/closest unit response plans and procedures. The agreement may be terminated by either party, upon 30 days prior notice to the other party. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to receive and file: a fully executed standard agreement for swimming lessons from December 15, 2022 through September 30, 2023 with Swim with Gills, LLC, a Limited Liability Company. **SUMMARY:** On May 3, 2022, the Board of County Commissioners adopted Resolution Number R2022-0450 authorizing the County Administrator or designee to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. The County Administrator has designated the Fire Rescue Administrator to execute these standard agreements. Pursuant to Countywide PPM CW-O-051 this standard agreement is being submitted to receive and file. Countywide (RM)
  
3. Staff recommends motion to receive and file: three Public Emergency Medical Transportation (PEMT) Letters of Agreement (LOA) with the State of Florida, Agency for Health Care Administration (AHCA) relating to intergovernmental transfers to the State for the supplemental payment program for Medicaid managed care patients for the following State Fiscal Years (SFY):2020-2021, 2021-2022; and 2022-2023. **SUMMARY:** In the fall of 2019, AHCA established the Florida Medicaid Managed Care Supplemental Payment Program (MCO program), which allows qualifying government-owned ambulance providers to receive supplemental payments for emergency transports of Medicaid managed care patients. In order to guarantee Federal share funding, intergovernmental transfers from PEMT providers are required to cover the State's share of the MCO program. The County received a net revenue in SFY 2020-2021 of \$1,102,391 and \$1,635,002.62 in SFY 2021-2022. The IGT for SFY 2022-2023 is \$1,676,213.44, and the County is expected to receive \$2,675,547.42 in supplemental payments, for an estimated net revenue of \$999,333.98. The County Administrator has designated the Fire Rescue Administrator to execute these LOAs. Pursuant to Countywide PPM CW-O-051, these three LOAs are being submitted to receive and file. Countywide (SB)
  
4. Staff recommends motion to approve: a budget transfer of \$1,695,881 within the Fire/Rescue MSTU (Fund 1300) to establish funding for the Knox box conversion project. **SUMMARY:** This purchase will allow Palm Beach County Fire Rescue (PBCFR) to upgrade the existing access boxes system for the entire PBCFR service area. This will add key secure to the apparatus and replace current cylinder cores which will provide enhanced security features and tracking, which translates into better safety for the residents of Palm Beach County, a critical component of PBCFR's mission. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

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

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

**A) rescind** Interlocal Agreement R2018-2037;

**B) approve** the replacement Interlocal Agreement providing updated contract terms for network and colocation services with the Health Care District of Palm Beach County;

**C) approve** a budget amendment of \$24,575 in the General Fund to allocate funds and recognize revenue related to one-time installation costs; and

**D) authorize** the County Administrator or designee to approve and execute Task Orders for additional IT services, up to a maximum dollar value of \$50,000 per Task Order.

**SUMMARY:** The Health Care District of Palm Beach County has an existing Interlocal Agreement with Palm Beach County (R2018-2037) for network and colocation services, and has requested the termination of network services at five sites, the addition of 4 new network transport services and the removal of two server racks from colocation services. Staff recommends rescinding the existing agreement and replacing it with a new agreement, including updated contract terms, for a period of one year with four automatic one-year renewals unless notice is given by either party. Below is a table outlining the network and colocation services provided by site and the annual revenue to the County. The Florida LambdaRail, LLC has approved connection of the Health Care District of Palm Beach County to the Florida LambdaRail network. Countywide (DB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

1. (Cont'd)

Location	Annual Network	Annual Colocation
Trauma Hawk	\$2,400	
EJ Healey Center	\$1,800	
West Palm Beach Health Center	\$600	
Delray Beach Health Center	\$600	
Lantana Lake Worth Health Center	\$600	
Lakeside Medical Center	\$6,000	
West Palm Beach Clinic	\$600	
Lake Worth Clinic	\$600	
Jupiter Clinic	\$600	
Main Office - Flagler	\$1,800	
JFK Medical Center – North Campus	\$1,800	
Mangonia Park	\$1,800	
Broward Memorial - Pembroke Pines	\$17,010	
Broward Memorial - Hollywood	\$17,010	
Cross Connect to Northwest Regional Data Center (NWRDC)	\$300	
West Boca site	\$1,800	
Colocation Equipment Racks		\$52,920
Colocation Equipment Rack Power		\$18,000
Colocation Cross-Connect		\$3,000
Subtotal	\$55,320	\$73,920
<b>Total Annual Revenue</b>	<b>\$129,240</b>	

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

**A) approve** the End User License Agreement with ESI Acquisition, Inc. (ESI) to provide services and support for WebEOC<sup>®</sup> Software for the period February 7, 2023 through February 6, 2028, with no financial obligation; and

**B) authorize** the County Administrator or designee to execute future agreements with ESI to provide services and support for WebEOC<sup>®</sup> Software.

**SUMMARY:** This agreement will allow the County's Public Safety Department, Division of Emergency Management access to WebEOC<sup>®</sup>, a Crisis Information Management Software that supports the management of crisis information and the corresponding response. This agreement also includes support services for WebEOC<sup>®</sup> application, administrators and users. ESI, d/b/a Juvare Exchange, is the manufacturer of the WebEOC<sup>®</sup> product suite and the only company capable of installing, implementing, issuing corrections or updates, and providing maintenance to WebEOC<sup>®</sup> and WebFusion<sup>™</sup>. Currently Palm Beach County has no outstanding financial obligations to ESI. Fees and payments are resolved with third party purchaser UASI – City of Miami Fire Rescue-Division of Emergency Management. However, should Palm Beach County seek enhancements outside of the agreement with the City of Miami there may be a cost. **ESI requires the County enter into an End User License Agreement that contains liability provisions different from the County's standard requirements.** DEM has requested Risk Management and County Attorney's Office approval of the non-standard liability provisions. Due to business needs and after advising DEM accordingly, approval has been granted by Risk Management and the County Attorney's Office to move the End User Agreement forward for Board of County Commissioner approval. **The limitation of liability is limited to \$300,000. The cap of liability does not apply to ESI's infringement indemnification obligation.** Countywide (AH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

**A) receive and file** Victim of Crime Act (VOCA) FY2022/2023 grant agreement Palm Beach BOCC-902 with the State of Florida, Department of Legal Affairs, Office of the Attorney General for the period October 1, 2022 through September 30, 2023, to receive grant funding in the amount of \$531,829 to provide victim advocacy services; and

**B) approve** downward budget amendment of \$73,807 in the Public Safety Grants Fund to adjust the budget to reflect the actual grant award.

**SUMMARY:** The VOCA FY2022/2023 grant (CFDA 16.575) agreement is an annual grant that provides funding to the Public Safety Department's Division of Victim Services (DVS) to assist victims of crime in Palm Beach County. Six full-time Victim Advocate positions (pay grade 29) are funded through this grant. The Victim Advocates provide victims with advocacy services such as crisis counseling, personal advocacy, court accompaniment, assistance with applying for victim's compensation, information and referral, emergency legal advocacy, and safety planning. The grant also includes \$25,940 in operating expenses, and \$28,121 in contractual therapy services. If VOCA grant funding ceases, the positions will be deleted from the DVS complement. R2006-0099 authorized the County Administrator or designee to execute operational agreements with the State of Florida, Office of the Attorney General, Bureau of Advocacy and Grant Management on behalf of the Palm Beach County Board of County Commissioners. In accordance with the Victims of Crime Act (VOCA) Fix Act, the Chief of Staff signed a blanket match waiver for all 2022-2023 VOCA sub grantees, therefore; **no County match is required.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. INTERNAL AUDIT

1. Staff recommends motion to receive and file:

**A)** Audit report reviewed by the Audit Committee at its December 14, 2022 meeting as follows:

1. 2023-01 Facilities Development and Operations – Electronic Services and Security – *Card Access Systems (2021-05)*

2. 2023-02 Facilities Development and Operations – Electronic Services and Security – *Manual Key Systems (2021-05)*

**B)** Audit Recommendation Follow-up Status Report as of November 15, 2022.

**SUMMARY:** The County Code requires the County Internal Auditor to submit copies of final audit reports to the Board of County Commissioners and the Internal Audit Committee. The County Code also requires the County Internal Auditor to issue semi-annual audit recommendation status reports to the Board of County Commissioners and the Internal Audit Committee. At its meeting on December 14, 2022 the Internal Audit Committee reviewed the attached audit report and the semi-annual audit recommendation status report. We are submitting these reports to the Board of County Commissioners as required by the County Code. Countywide (HF)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

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

**A)** Men’s Senior Baseball League, Inc., for the promotion of the Men’s Senior Baseball League Fall Classic, held from November 6 - 19, 2022, for the term May 6, 2022 – February 19, 2023. This grantee was approved by the TDC on June 9, 2022, in the amount of \$52,000; and

**B)** Pinnacle Sports 3V3 Live, LLC, for the promotion of the 3V3 Live National Championships, held from November 26 – 27, 2022, for the term July 26, 2022 – February 27, 2023. This grantee was approved by the TDC on October 10, 2019, in the amount of \$16,000.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights generated for Men’s Senior Baseball League, Inc./Men’s Senior Baseball League Fall Classic were 6,480, and room nights generated for Pinnacle Sports 3V3 Live, LLC/3V3 Live National Championships were 1,500. Districts 1 & 7 (YBH)

EE. COMMISSION ON ETHICS

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

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**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A)** Certificate of Recognition presented to Consul General Kazuhiro Nakai for his support of the Morikami Museum and Japanese Gardens (District 5)
- B)** Proclamation declaring February 11-17, 2023 as 211 Awareness Week in Palm Beach County (District 2)
- C)** Proclamation declaring March 4, 2023 Safety 4 Life Ambassador Day in Palm Beach County (District 5)
- D)** Proclamation declaring March 2023 as Transit Equity Month in Palm Beach County (District 2)
- E)** Certificate of Commendation presented to Lisa Lynch (District 4)
- F)** Certificate of Recognition presented to The Genesis Media Group and the Blackluxie Picnic Festival Weekend (District 7)
- G)** Proclamation declaring February 27 – March 3, 2023 as Palm Beach County and America Saves Week in Palm Beach County (District 3)
- H)** Proclamation declaring March 4, 2023 as The Links Inc. West Palm Chapter First Black Family Wellness Expo in Palm Beach County (District 7)
- I)** Proclamation recognizing the 90<sup>th</sup> Anniversary of Palm Beach State College (District 3)
- J)** Proclamation declaring March 5-11, 2023 as the 25<sup>th</sup> Annual Women in Construction Week in Palm Beach County (District 1)
- K)** Proclamation honoring Dr. Alina Alonso (District 2)
- L)** Proclamation declaring February 7, 2023 as National Black HIV/AIDS Awareness Day in Palm Beach County (District 1)

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**FEBRUARY 7, 2023**

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

**NONE**

\* \* \* \* \*

6. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to approve:

**A)** Amendment No. 9 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$8,422,400 and 459 calendar days for Work Order MC 16: Terminal Roof Improvements at the Palm Beach International Airport (PBI); and

**B)** a budget transfer in the amount of \$2,500,000 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$2,500,000. This project is partially funded under the current year's budget.

**SUMMARY:** The Contract with MGI for CM at Risk Services for Airport Improvements for the Department was approved by the Board on January 15, 2019 (R2019-0042). The Contract is for two years with three one-year renewal options and is a task/work order based contract for CM at Risk services. The MGI, is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. The Contract value to date is \$15,342,143.99. Approval of Amendment No. 9 in the amount of \$8,422,400 and 459 calendar days will enable MGI to complete Work Order MC 16: Terminal Roof Improvements at PBI to address water intrusion into the PBI terminal. This project includes replacement of the existing terminal roof membrane and portions of existing concrete composite roof deck with a new roof system; replacement of the expansion joint between terminal and short-term parking garage; and modifications to the existing mechanical and electrical equipment impacted by the roof replacement, including replacement of the existing light poles with wall mounted fixtures. A request for reimbursement of the majority of the local revenue funds budgeted for this project will be included in a future Passenger Facility Charge application. A Disadvantaged Business Enterprise (DBE) goal of 12% was established for this Contract. DBE participation for this Work Order is 12.18%. DBE participation for this Contract to date is 25%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

**A)** Amendment No. 10 to the General Consulting Agreement with AECOM Technical Services, Inc. (AECOM) for Consulting/Professional Services in the amount of \$1,153,626.28 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

**B)** a budget transfer in the amount of \$1,153,627 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$1,153,627.

**SUMMARY:** The Consulting Agreement with AECOM for general airport planning and design was approved by the Board on March 12, 2019 (R2019-0301) in the amount of \$828,984.74 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on August 20, 2019 (R2019-1160) increasing the amount of the contract by \$1,032,651.29. Amendment No. 2 was approved by the Board on February 4, 2020 (R2020-0079) increasing the amount of the contract by \$1,753,356.78. Amendment No. 3 was approved by the Board on June 16, 2020 (R2020-0639) increasing the amount of the contract by \$885,789.10. Amendment No. 4 was approved by the Board on October 6, 2020 (R2020-1514) increasing the amount of the contract by \$1,789,325 and modified Article 21, Access and Audits, of the agreement. Amendment No. 5 was approved by the Board on February 9, 2021 (R2021-0233) exercising the first one year renewal option. Amendment No. 6 was approved by the Board on August 17, 2021 (R2021-1160) increasing the amount of the contract by \$1,583,691.58. Amendment No. 7 was approved by the Board on February 8, 2022 (R2022-0134) increasing the amount of the contract by \$1,763,111.51 and exercising the second and final, one year renewal option. Amendment No. 8 was approved by the Board on June 7, 2022 (R2022-0573) increasing the amount of the contract by \$1,727,453.97. Amendment No. 9 was approved by the Board on October 18, 2022 (R2022-1243) increasing the amount of the contract by \$976,819.

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

2. **(Cont'd) SUMMARY:** Approval of Amendment No. 10 will provide an additional \$1,153,626.28 to complete the following tasks: Task I Services – PBI Part 139 Grading Design/CM (Construction Management)/CA (Construction Administration)/RPR (Resident Project Representative); PBI Pavement Repairs CA/RPR Services; LNA West Apron Reconstruction (CA/CM/RPR); PBI Garage Repairs CM/CA/RPR Services; and Task III Services – Deliverable(s) as required in accordance with specific Task Authorizations. Work to be completed under these Task III Services will be issued in accordance with PPM CW-F-050, by way of a separate proposal or task authorization. AECOM is a Dallas, Texas based firm; however, the majority of the work to be completed in this agreement will be completed and/or managed through their West Palm Beach and Tampa, Florida offices in conjunction with several Palm Beach County-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. AECOM committed to 18% in its proposal. The anticipated DBE participation based upon the previous approved tasks is approximately 23.77%. The DBE participation for this Amendment is 4.02%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

3. Staff recommends motion to approve:

**A)** a contract (Contract) with Ranger Construction Industries, Inc. (Ranger) in the amount of \$3,034,283.40 and 196 calendar days for the Miscellaneous Pavement Repairs project at Palm Beach International Airport (PBI); and

**B)** a budget transfer in the amount of \$2,184,284 in the Airport's Improvement and Development Fund, including a transfer from Reserves of \$2,184,284.

**SUMMARY:** This project consists of asphalt repairs, including crack sealing, mill and overlay patching; concrete repairs, including crack repair, joint sealant replacement, partial and full depth slab repairs and pavement markings on the taxiways, runways and aircraft parking aprons at PBI and was advertised utilizing the County's competitive bid process. Only one bid was received for the project by Ranger. Ranger is located in Palm Beach County and has been identified as the lowest responsible/responsive bidder in the amount of \$3,034,283.40. An 8% Small Business Enterprise (SBE) participation goal was established for this project. Ranger submitted a waiver request to the Palm Beach County Office of Equal Business Opportunity (OEBO) pursuant to the Equal Business Opportunity Ordinance due to the lack of available SBE firms to perform the work. OEBO granted the waiver based on Ranger's demonstration of good faith efforts to achieve the SBE goal. Ranger committed to 0.06% SBE participation. Although not applicable to this solicitation, Ranger has elected to utilize a Disadvantaged Business Enterprise (DBE) firm to complete concrete-related repairs, which is estimated to be approximately 2.8% participation. Although the project is fully funded by local airport revenue through rates and charges established annually in accordance with the Signatory Airline Agreement (R2019-1155), the Department of Airports also intends to submit an application for use of passenger facility charges (PFC) for approval by the airlines and Federal Aviation Administration for eligible project costs under the PFC program. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This Contract exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to the Construction Manager (CM) at Risk Contract (Contract) with Suffolk Construction Company Inc. (Suffolk) for CM at Risk Services in the amount of \$12,398,676 and 368 calendar days for Work Order SCC 01 Concourse B Expansion – Package 1 at Palm Beach International Airport (PBI). **SUMMARY:** The CM at Risk Contract with Suffolk was approved by the Board on June 15, 2021 (R2021-0843) for the Concourse B Expansion project at PBI. Services under this Contract are provided on a task/work order basis and are approved in accordance with PPM CW-F-050. The project will provide for the construction of approximately 56,000 square feet of additional space at the end of Concourse B, including expansion of concession, passenger seating and restroom spaces, improvement of aircraft parking apron, construction of infrastructure to support two additional passenger boarding bridges, extension of existing building systems and an overall refresh of the concourse. To minimize the impacts to passengers, the construction will be completed in two phases. Approval of this amendment in the amount of \$12,398,676 and 368 calendar days provides for the construction of the first phase, which includes expansion of restroom facilities and construction of new concession space between Gates B5 and B7. Burger King and Hop and Cask will be closed during the first phase. To ensure sufficient food and beverage options remain available throughout the project, the first phase also includes the construction of temporary restaurant space, which will remain until the end of the second phase of the project when new concession spaces become available. This phase of the project is funded utilizing a combination of grant funding from the Florida Department of Transportation, Passenger Facility Charge funds and local airport revenues; airport revenues are anticipated to be approximately \$2,000,000. Suffolk is based in Boston, Massachusetts; however, the work will be directly managed by its regional office in West Palm Beach, FL. An overall Disadvantaged Business Enterprise (DBE) goal of 20% was established for this Contract. Suffolk has teamed with MCO Construction, as its DBE partner, to provide DBE outreach, project management, and construction supervision services in an amount not less than 10% of the Suffolk general conditions fee paid by the County for these services. DBE subcontracting participation for this amendment is 21.1%. The total DBE participation for this Amendment is 17%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

5. Staff recommends motion to approve:

**A)** a contract (Contract) with Alen Construction Group, Inc. (Alen) in the amount of \$2,684,458 and 330 calendar days for Repairs to Short-Term and Long-Term Parking Garages 2 and 3 at Palm Beach International Airport (PBI); and

**B)** a budget transfer in the amount of \$2,684,458 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$2,684,458.

**SUMMARY:** This project is for the completion of miscellaneous repairs and maintenance to the Short-Term and Long-Term Parking Garages at PBI, including cleaning and sealing of concrete joints, concrete spall/crack repair and repair of miscellaneous electrical appurtenances. This project also includes cleaning and refinishing the exterior garage surfaces and adding new wayfinding signage. This project was advertised utilizing the County's competitive bid process. On September 21, 2022, two bids were received for this project. Alen is located in Broward County, Florida, and has been identified as the lowest responsible/responsive bidder in the amount of \$2,684,458. This project was presented to the Goal Setting Committee on August 16, 2021, which established a Small Business Enterprise subcontracting goal of 20%. Alen is a licensed general contractor and a certified Minority Business Enterprise (MBE). The Small/Minority/Women-Owned Business Enterprise (S/M/WBE) participation for this project is 91%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This Contract exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

A. AIRPORTS (Cont'd)

6. Staff recommends motion to approve:

**A)** a contract for the Operation and Maintenance of Baggage Handling Systems at the Palm Beach International Airport (PBI) with John Bean Technologies Corporation (JBT) (Contract No. 23-015/MD) (Contract), commencing on February 28, 2023, and expiring on February 27, 2025, for an amount not to exceed \$4,417,698.07 during the initial 24-month term, with three one-year options to renew; and

**B)** a budget transfer in the amount of \$295,000 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$295,000. This project is partially funded under the current year's budget

**SUMMARY:** This Contract provides for the operation, maintenance and repair of all inbound and outbound automated Checked Baggage Inspection Systems/Checked Baggage Reconciliation Areas (CBIS/CBRA) and manual sortation Baggage Handling System (BHS) and their related equipment at PBI. The current Master Agreement #16-013R/LJ (R2016-1619, as amended) expires on February 27, 2023, with no renewal options. This Contract has an initial two-year term with three one-year options to renew at the sole discretion of the County. The total not to exceed amount for the initial two-year term includes \$958,650 to update the controls that sort, scan, encode, transport and deliver passenger baggage to the designated airline and \$360,000 for any equipment, parts, supplies or services that may be required for the on-going repair and maintenance of the system. These components are required to meet specific parameters established by the Transportation Security Administration (TSA) for passenger baggage inspection and handling. Airlines utilizing the BHS at PBI pay for the full cost of the system through rates and charges established annually in accordance with the Signatory Airline Agreement (R2019-1155). JBT's principal place of business is Ogden, Utah. This Contract was established through a competitive solicitation issued by the Purchasing Department. This Contract was presented to the Goal Setting Committee on July 6, 2022, and a Small Business Enterprise (SBE) Price Preference Affirmative Procurement Initiative was applied. JBT committed to the highest SBE participation at 17.60%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This Contract exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

B. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to approve: the first amendment to the Palm Beach County's State Housing Initiatives Partnership Program Local Housing Assistance Plan (LHAP) for Fiscal Years 2022-2023, 2023-2024 and 2024-2025. **SUMMARY:** As a State required condition of receiving SHIP funds, the County established a local housing advisory committee on May 16, 2017 through the Affordable Housing Ordinance (No. 2017-017). On December 7, 2022, the Commission on Affordable Housing (CAH) adopted its 2022 Affordable Housing Incentives Review and Recommendations Report (the Report), including 9 recommendations addressing 11 affordable housing incentive areas identified in Section 420.9076(4), Florida Statutes. The recommendations were developed through a process that included input from community and industry stakeholders and consultation with the Department of Housing and Economic Development, the Department of Planning, Zoning and Building, and the Engineering and Public Works Department. Staff supports or partially supports all nine of the CAH recommendations, which relate to expedited approvals, review of fees, infrastructure capacity, accessory dwelling units, street requirements, a countywide housing plan, inventory of public lands, development near transportation hubs and flexible zoning. A summary of the CAH recommendations and staff comments and recommendations is included as Attachment 1 to this agenda item. The Report is provided as Attachment 2 to this agenda item. The Board of County Commissioners (BCC) has the sole authority to approve the LHAP, amendments thereto, and the housing incentives contained therein. Staff recommends that the BCC approve the proposed first amendment to the Palm Beach County SHIP Program LHAP, Attachment 3 to this agenda item, incorporating the nine staff supported CAH recommendations into the descriptions of affordable housing incentives which the County implements. The approved first amendment will be sent to the Florida Housing Finance Corporation by the February 28, 2023 deadline. Countywide (HJF)

6. REGULAR AGENDA

B. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: Community Development Block Grant (CDBG) funding of \$512,118 to the Town of Lake Clarke Shores for the rehabilitation of sanitary sewer improvements in the Maralago Cay and Seminole Manor neighborhoods in unincorporated Palm Beach County. **SUMMARY:** On July 13, 2021 (Agenda Item # 6C-2), the Board of County Commissioners (BCC) approved CDBG funding for \$224,882 to the Town of Lake Clarke Shores (Town) for the construction of sanitary sewer improvements on Forest Hill Boulevard. That project did not move forward and funding was reallocated to the rehabilitation of sanitary sewer improvements in the unincorporated Maralago Cay and Seminole Manor neighborhoods. The Town received two bids totaling \$981,100 and \$1,143,200, and requires additional funds to award the lowest bid. The Town has requested an additional \$512,118 in CDBG funds. Total CDBG funding will increase from \$224,882 to \$737,000. The Town will install cured-in-place sewer pipe lining, restore service line connections into the existing sewer mains, replace gravity sewer lines, and rehabilitate lining of selected manholes in Maralago Cay and Seminole Manor neighborhoods located south of Lantana Road, east and west of Lawrence Road in unincorporated Palm Beach County. The rehabilitation will be in the public right-of-way and the Town owns the sanitary sewer utility. Per CDBG requirements, at least 51% of the residents of the project service area are of low-and-moderate income. Total construction cost of the project is estimated to be \$981,100, and the Town will fund the balance. **These are Federal CDBG funds, which do not require a local match.** Districts 2 & 3 (HJF)

6. REGULAR AGENDA

B. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to:

**A) approve** a budget transfer in the amount of \$287,709 from the American Rescue Plan Act (ARPA) Response Replacement Fund to provide funding to the Community Land Trust of Palm Beach County and the Treasure Coast (CLT of PBCTC) for the North "E" Street Cottage Homes project (North "E" Street), toward the construction of three single family homes;

**B) direct** staff to negotiate the loan agreements; and

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

**SUMMARY:** On April 26, 2022, CLT of PBCTC submitted a funding proposal for two separate projects (Davis Commons and North "E" Street) through Request for Proposals HED.2022.2 (RFP). Due to a technical inconsistency within the RFP relating to the maximum funding per unit, the RFP was cancelled and re-issued. CLT of PBCTC submitted only the Davis Commons project as part of the re-issued RFP (HED.2022.3) for the entire amount available. The Davis Commons project was awarded and approved by the Board of County Commissioners on September 13, 2022 for the full \$2,000,000 available. The North "E" Street Cottage Homes project in the City of Lake Worth Beach did not receive any other funding and has not proceeded. The project is comprised of three affordable single-family homes built on three adjacent lots located in the heart of the City. The lots were donated by the Lake Worth Beach CRA for the development of affordable housing. All units will be three bedrooms, two baths and 1,277 square feet. The homes will be sold to families with income between 60% - 120% of Area Median Income. The homes will be sold under the community land trust model of homeownership thereby ensuring they will remain affordable in perpetuity. The total project development cost is \$847,708.50. In an effort to support shovel ready projects, we recommend providing the \$287,709 requested in the prior CLT of PBCTC RFP application. The funding agreements and related documents pursuant to these funds will be between the County and CLT of PBCTC or their respective successors and/or assigns. To facilitate project implementation, staff requests authorization for the County Administrator or designee to execute the loan agreements and related documents. **These are County ARPA Response Replacement funds that do not require a local match.** District 3 (HJF)

6. REGULAR AGENDA

B. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

4. Staff recommends motion to:

**A) approve** an Allocation Plan for the \$8,768,012 HOME American Rescue Plan (HOME-ARP) grant award;

**B) approve** a budget amendment of \$8,768,012 to appropriate funds in the HOME-ARP Fund; and

**C) authorize** the County Administrator or designee to execute a HOME-ARP grant agreement with the U.S. Department of Housing and Urban Development (HUD), Standard Form SF-424 and Certifications, and all other documents necessary to secure the grant award and implement the HOME-ARP Program.

**SUMMARY:** HUD allocated HOME-ARP funding in the amount of \$8,768,012 to Palm Beach County to respond to the COVID-19 pandemic. The HOME-ARP Program provides for housing and related services for qualifying populations, including the homeless, those at risk of homelessness and those experiencing housing instability. No later than March 31, 2023, the County must submit to HUD a HOME-ARP Allocation Plan that provides data on qualifying populations and identifies funding strategies. The HOME-ARP Allocation Plan includes funding strategies that will increase the local inventory of housing and residential facilities for qualifying populations through: New Construction of Multifamily Housing \$4,000,000; Acquisition and Rehabilitation of Existing Properties \$3,891,211; and Program Administration \$876,801. Strategies were developed in collaboration with the Community Services Department and in consultation with the Homeless and Housing Alliance, local Public Housing Authorities and the general public. Specific projects will be identified through funding solicitations, and funding awards will be brought back to the Board of County Commissioners for approval. Attachment 1 to this agenda item is a summary of data and funding strategies. Attachment 2 to this agenda item is the HOME-ARP Allocation Plan prepared in the HUD-prescribed template. HUD requires that all HOME-ARP funds be expended by September 30, 2030. The proposed budget amendment is necessary to allow for discrete accounting of the grant funds. To facilitate delivery of grant funds, staff requests delegation of signatory authority to the County Administrator or designee for the HOME-ARP grant agreement with HUD, Standard Form SF 424 and Certifications, and all other documents necessary for grant implementation. **These are Federal HOME-ARP grant funds, which require no local match.** Countywide (HJF)

6. REGULAR AGENDA

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) approve** the second amendment to Deed of Conservation Easement (Second Amendment) to release 2.73 acres of vacant land (Release Area) in Loxahatchee Slough Natural Area (Natural Area) from a conservation easement held by South Florida Water Management District (SFWMD), but preserving SFWMD's ingress/egress rights over the Release Area, and contingent upon final County and SFWMD approval of revised sketch and legal descriptions;

**B) accept** the donation of approximately 14.12 acres of high-quality environmentally sensitive lands (Donation Parcel) via a Statutory Warranty Deed, as referenced and stipulated in the amended Agreement for Purchase and Sale between GB Ranch, LLC, a Florida limited liability company, and Florida Power & Light Company (FPL), a Florida corporation, contingent upon delivery of the original SFWMD-executed Second Amendment as identified in Motion A above and successful completion of necessary due diligence items;

**C) authorize** transfer of the Donation Parcel into the County's Conservation Lands Program and permanent preservation of the Donation Parcel as part of the Natural Area contingent upon conveyance of the Donation Parcel to the County;

**D) authorize** conveyance of a permanent, non-exclusive Utility Easement Agreement (Utility Easement) over five 15-foot-wide strips of land, totaling approximately 2.8 acres (Easement Area), within the Natural Area to FPL, contingent upon conveyance of the Donation Parcel to the County and delivery of the original SFWMD-executed Second Amendment as identified in Motion A above;

**E) approve** Memorandum of Understanding between FPL and the County providing that the Utility Easement will be provided to FPL at the closing of the Donation Parcel and will be null and void if the sale does not close; and

**F) approve** Temporary Construction Easement and Fencing Agreement (Fencing Agreement) requiring FPL to install permanent fencing within the portions of the Easement Area and Donation Parcel that are located within fifteen feet of the right of way for Beeline Highway, subject to receipt of the Donation Parcel by the County and conveyance of the Utility Easement to FPL.

6. REGULAR AGENDA

C. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

1. **(Cont'd) SUMMARY:** This is the second of two agenda items to come before the Board of County Commissioners (Board) in compliance with the County's Conservation Lands Protection Ordinance (Ordinance No. 2003-052, CLPO). This item formally authorizes the County's conveyance of a permanent, non-exclusive Utility Easement to FPL over a 2.8-acre portion of the Natural Area (County-owned Conservation Land), in exchange for FPL's donation of approximately five times as much high-quality environmentally sensitive lands to the County. This item also authorizes transfer of the Donation Parcel into the County's Conservation Lands Program and permanent preservation of the Donation Parcel as part of the Natural Area. The Board conceptually approved these actions at a December 20, 2022 public hearing (R2022-1539) after determining that FPL's request to acquire the 2.8-acre Utility Easement in exchange for the donation of the approximate 14.12-acre Donation Parcel met all of the relevant criteria as specified in the CLPO. The requested Utility Easement will allow FPL to construct, maintain, and operate a new 230 kV transmission line between its Ryder Substation, located north of PGA Boulevard and east of the C-18 Canal, and Cayman Substation, located east of Military Trail and north of 45th Street. The proposed transmission line will fulfill a substantial public need by helping FPL maintain regional reliability, avoid system overload, and meet future load growth in Palm Beach County. It also will help FPL comply with North American Electric Reliability Corporation planning standards. There is no acceptable alternative that would meet the specified public need other than the use of conservation lands. Before the County can convey the requested Utility Easement to FPL, a 2.73-acre portion of the Easement Area that lies north of the right of way for Beeline Highway must be released from a Deed of Conservation Easement that was conveyed by the County to SFWMD (OR Book 22317, Page 563; Conservation Easement), and amended by the First Amendment to Deed of Conservation Easement (OR Book 22725, Page 1381). On December 8, 2022, the SFWMD Governing Board approved the Second Amendment to initiate the release of the 2.73-acre Release Area from the amended Conservation Easement, but preserving SFWMD's ingress/egress rights over the Release Area. SFWMD approval was contingent upon successful completion of revised sketch and legal descriptions by FPL and approval of those revised sketch and legal descriptions by SFWMD and County Survey Divisions. Board approval and subsequent recording of the Second Amendment will complete the release and allow the County to convey a Utility Easement to FPL over this portion of the Easement Area. There are no legal restrictions that prohibit the conveyance of the Utility Easement over the remaining 0.07-acre portion of the Easement Area. In accordance with the requirements of the CLPO, FPL must convey ownership of the Donation Parcel to the County before, or simultaneously with, the County's conveyance of the Utility Easement to FPL. Therefore, the second action approved by the Board as part of this item is the acceptance of the Donation Parcel that adjoins the Natural Area on two sides.

6. REGULAR AGENDA

C. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

1. **(Cont'd) SUMMARY:** The Donation Parcel will be conveyed directly from the current owner, GB Ranch, LLC, to the County via a Statutory Warranty Deed pursuant to a County-approved Purchase and Sale Agreement. The underlying owners of GB Ranch, LLC include: John C. Bills (35%), Virginia K. Bills (35%), John Clark Bills (14.85%) and Catherine Warren (14.85%); the J & G Family Corporation owns 0.3 percent of the Donation Parcel. Most of the Donation Parcel will be conveyed subject to a Perpetual Conservation and Flowage/Inundation Easement ("Flowage Easement") in favor of SFWMD, as amended. This Flowage Easement is compatible with preservation and management of the Donation Parcel as part of the Natural Area. The only portion of the Donation Parcel that will not be conveyed subject to the Flowage Easement is an approximately 15-foot-wide by 815-foot-long strip of land located immediately north of the right of way for Beeline Highway. This strip of land will be conveyed to the County subject to a pending FPL utility easement which is a westerly extension of the Utility Easement that will be placed over the Release Area. County acceptance of the Donation Parcel is contingent upon successful completion of all necessary due diligence items. The third action authorized by this item is the permanent preservation of the Donation Parcel as part of the County's Conservation Lands Program once the parcel has been acquired by the County. The donated lands will be managed as part of the Natural Area by the County's Department of Environmental Resources Management (ERM). The fourth action approved by the Board as part of this item is the County's conveyance of the Utility Easement to FPL. This conveyance is expressly contingent upon conveyance of the Donation Parcel to the County. The fifth action authorized by this item is a Memorandum of Understanding between FPL and the County to reflect that the Utility Easement will be delivered to FPL at the closing of the Donation Parcel and will be null and void if the closing does not occur. The final action authorized by this item is the approval of the Fencing Agreement. As part of its CLPO utility easement application, FPL agreed to install permanent fencing to protect County-owned natural area lands lying north of Beeline Highway once construction of the transmission line project is completed. Pursuant to the Fencing Agreement, FPL must install permanent fencing that meets ERM standards within the utility easement areas located within the Release Area and Donation Parcel. The permanent fencing must be installed within 60 days of completion of the transmission line project, or no later than 24 months following execution of the Fencing Agreement. Temporary construction fencing must be maintained north of Beeline Highway until such time as the permanent fencing has been installed. The Second Amendment and Utility Easement will be recorded after conveyance of the Donation Parcel to the County. There is no cost associated with this item; FPL will pay all necessary costs associated with this item. **Acceptance of the Donation Parcel must be approved by a supermajority vote (5 Commissioners).**  
District 1 (SF)

6. REGULAR AGENDA

D. PARKS & RECREATION

1. Staff recommends motion to approve:

**A)** Amendment to the Infrastructure Surtax (IST) Project Plan approved by the Board of County Commissioners on April 4, 2017, later revised on January 4, 2022;

**B)** a budget transfer of \$3,000,000 within the IST Fund from Acreage Community Park Recreation Center to Acreage Community Park Expansion; and

**C)** an Infrastructure Surtax Funding Agreement (Funding Agreement) between Palm Beach County (County) and Indian Trail Improvement District (ITID) for the Acreage Community Park South Expansion Project (Project) in the amount of \$3,000,000 from the IST Fund.

**SUMMARY:** Acreage Community Park is located at 140th Avenue North in unincorporated Palm Beach County and is managed and maintained by ITID. This 45-acre park features athletic fields, multipurpose fields, a track, amphitheater, playground, picnic facilities, walking paths and restrooms. The park is adjacent to the County's 124-acre Acreage Pines Natural Area. ITID currently leases approximately 28-acres of Acreage Community Park from the County, hereinafter referred to as Acreage Community Park South. On April 4, 2017, the County adopted a project plan to implement the Surtax funded projects, which included an ITID park project allocation of \$3,000,000 towards the construction of a recreation center at Acreage Community Park. On April 27, 2022, the ITID Board approved Resolution No. 2022-010 requesting that the funding assigned for the recreation center be reallocated to other deferred outdoor recreation infrastructure amenities such as multipurpose fields, skate park, and associated infrastructure. The Infrastructure Sales Tax Independent Citizen Oversight Committee reviewed ITID's request during its May 19, 2022 meeting, and is recommending the reallocation be approved. This Funding Agreement allows for reimbursement of eligible expenses for the development, design, permitting and/or construction of the project in an amount not to exceed \$3,000,000. **This project is funded through the infrastructure surtax. District 6 (AH)**

6. REGULAR AGENDA

E. WATER UTILITIES

1. ~~DELETED FOR FURTHER STAFF REVIEW Staff recommends motion to approve: Irrevocable Directive of Project Proceeds (Directive) for Florida Design Drilling Corporation (FDD). SUMMARY: On October 6, 2020, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1584) with FDD for the Wellfield Improvements Phase 1 in the amount of \$10,344,000, and on December 21, 2021, the BCC approved the PBCWUD Contract (R2021-1923) with FDD for the Wellfield Improvements Phase 2 in the amount of \$9,944,000 (Phase 1 and Phase 2 hereinafter referred to collectively as the Project). PBCWUD has received the Directive from FDD, in which FDD directs that all contract funds, balances, claims, and retainages now or hereinafter payable in connection with the Project be made payable to FDD and forwarded directly to FDD, c/o Great Horn Financial Services, LLC and any payments made via wire or ACH transfer shall be directed to First National Bank of Pennsylvania. As to Phase 1, the Directive is irrevocable by FDD without the written consent of Philadelphia Indemnity Insurance Company. As to Phase 2, the Directive is irrevocable by FDD without the written consent of Great Midwest Insurance Company. Districts 2, 3 & 5 (MWJ)~~

F. INTERGOVERNMENTAL AFFAIRS

1. [Staff recommends motion to adopt:](#) the proposed 2023 Federal Legislative Agenda. **SUMMARY:** Staff requests Board approval of the 2023 Federal Legislative Agenda, which outlines issues the County's Intergovernmental Affairs Office and federal lobbyists are working on for the 118<sup>th</sup> Congress. The agenda addresses legislative matters, grant-funding opportunities, and general issues to support and monitor. New agenda items include Bipartisan Infrastructure Law funding, HUD Affordable Housing calculations, an increase in farmworker housing repair and renovation, and the reauthorization of the Farm Bill and the National Flood Insurance Program. Countywide (AH)

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FEBRUARY 7, 2023

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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FEBRUARY 7, 2023

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY

**FEBRUARY 7, 2023**

**9. COMMISSIONER COMMENTS**

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

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

**District 3 – COMMISSIONER MICHAEL A. BARNETT**

**District 4 – COMMISSIONER MARCI WOODWARD**

Request for off-site Proclamation declaring March 30, 2023 as Signature Gives Back Volunteer Day in Palm Beach County

**District 5 - COMMISSIONER MARIA SACHS**

**District 6 - COMMISSIONER SARA BAXTER**

**District 7 – COMMISSIONER MACK BERNARD**

Request for off-site Certificate of Recognition presented to Titus Rich for his 24 years of service to the Palm Beach County Fire Rescue Advisory Board

**FEBRUARY 7, 2023**

**10. MATTERS BY THE PUBLIC – 2:00 P.M.**

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**FEBRUARY 7, 2023**

**11. 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."