

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 12, 2024

<u>PAGE</u>	<u>ITEM</u>	
42	3X2	* DELETED – staff pulled for further review, moved to 4/2/24 (PSD)
61	6A1	* REVISED MOTION / TITLE / SUMMARY / Staff recommends motion to approve: Appointment of two (2) members to the Zoning Commission (ZC) for the term of March 12, 2024 to February 2, 2027, to fill the vacancy for two (2) at-large seats, Seat #8 and Seat #9.

<u>Nominees</u>	<u>Nominated By</u>
Jess Sowards	Commissioner Bernard
or	Commissioner Baxter
James Williams	Commissioner Bernard
or	
Susan Kennedy	Vice Mayor Marino
or	
Rolando Barrero	Mayor Sachs
or	
William Reicherter	Commissioner Baxter
or	
Jean Marie DaRocha	Commissioner Woodward

SUMMARY: The primary function of the Zoning Commission (ZC) is to take action on and make recommendations to the Board of County Commissioners (BCC) regarding proposed zoning applications and proposed revisions to the Unified Land Development Code (ULDC). The Zoning Division sent a memorandum to the BCC on February 5, 2024 requesting nominations. The ZC is comprised of nine (9) members, with each County Commissioner appointing one (1) member each and two (2) members appointed at-large by a majority vote of the BCC. The term of office is three (3) years and as of March 2, 2013 (R2013-0193), no person shall be appointed or reappointed for more than three (3) consecutive terms. Pursuant to ULDC Article 2.G.L.3, “consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, natural resource management, real estate, engineering, and related fields.” Mr. Jess Sowards has completed one (1) term in ZC Seat #9, is available for re-appointment, and regarding attendance has attended all but one (1) out of the past twelve (12) ZC meetings. Mr. Jess Sowards has disclosed that he has an ownership position in Currie Sowards Aguila Architects, that contracts with the County for architectural services. The ZC provides no regulation, oversight, management or policy-setting recommendations regarding the subject contract. Disclosure of these contractual relationships at a duly notice public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. The ZC consists of nine members, with six (6) seats currently filled with a diversity count of: five (5) Caucasian (83%) and one (1) African-American (17%). Mr. Jess Sowards, Mr. James Williams and ~~Mr. William Reicherter~~ are Caucasian males, Mr. Rolando Barrero is a Hispanic-American male, Ms. Susan Kennedy and Ms. Jean Marie DaRocha are Caucasian females. Staff is addressing the need to increase diversity within our Board and will continue to encourage this to expand this Board’s diversity. Countywide (SS)

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

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

MARCH 12, 2024

**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 9 - 46)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 47 - 50)**

- 5. REGULAR AGENDA (Pages 51 - 60)**

- 6. BOARD APPOINTMENTS (Pages 61 - 62)**

- 7. STAFF COMMENTS (Page 63)**

- 8. BCC COMMENTS (Page 64)**

- 9. ADJOURNMENT (Page 65)**

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- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

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- 3C-1 Contract with Heavy Civil, Inc. for the construction of drainage improvements on A1A.

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- 3C-2 Contract with Florida Blacktop, Inc. for the construction of Palmetto Park Road & SR 7.

E. COMMUNITY SERVICES

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- 3E-1 Agency for Health Care Administration Health Care Licensing Renewal Application to renew the Division of Senior and Veteran Services North County Adult Day Care Center license.

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- 3E-2 Ratify the Mayor's signature on Standard Agreement for the Older American Act.

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- 3E-3 Amendment No. 5 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. to amend, revise and replace portions of the standard agreement and increase the overall total funding.

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- 3E-4 Amendments with Area Agency on Aging of Palm Beach/Treasure Coast, Inc., and with AAA to revise and replace portions of the standard agreements.

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- 3E-5 Ratify the Mayor's signature on the Ryan White HIV/AIDS Program Part A Estimated Unobligated Balance Report.

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- 3E-6 Amendment No. 7 to DCF Unified Homeless Grant Contract to increase the grant award amount.

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3E-8 Amendment No. 1 to the Low Income Home Energy Assistance Program Vendor Agreement with FP&L, and with City of Lake Worth Beach Utilities.

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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3G-1 Negotiated settlement for full satisfaction of a code enforcement lien against Arlene J. Lynch.

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3G-2 Negotiated settlement for full satisfaction of a code enforcement lien against Andrew D. and Karyl J. Baxter.

3G-3 Budget Transfer in the ARPA Response Replacement Projects Fund to modify project budgets of previously approve categories.

H. FACILITIES DEVELOPMENT & OPERATIONS

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3H-1 Second Amendment to the Interlocal Agreement with the City of Boca Raton to replace and update the substantial completion date for the construction of the 400' self-supported public safety radio communications tower.

3H-2 Temporary Construction Easement in favor of South Florida Regional Transportation Authority to allow temporary use for a construction staging area.

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3H-3 Zero-dollar value Change Order No. 1 with Lebolo Construction Management, Inc. for the Jupiter Health Center Renovations project.

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3H-4 First Amendment with JFK Medical Center to extend the term of the Agreement for interoperable communications.

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3H-5 First Amendment with Jupiter Medical Center Inc. to extend the term of the Agreement for interoperable communications.

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3H-7 Change Order No. 19 with Kast Construction Company LLC for the Supervisor of Elections Production Facility project.

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3H-8 Declaration of Easement in favor of Palm Beach County for water meter, a back flow preventer, a fire hydrant, and appurtenant equipment.

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3H-9 Standard License Agreement for Use of County-Owned property, and a First Amendment adjacent to the County Stockade and property located at 9620 Weisman Way.

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3H-10 License Agreement in favor of Hotwire Communications, Ltd. to use County-Owned property known as Roger Dean Stadium Sports Complex.

I. HOUSING AND ECONOMIC DEVELOPMENT

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3I-1 Impact Fee Affordable Housing Assistance Program funding award, and authorize the Mayor to execute a Certificate of Award.

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3I-2 Amendment 002 with the City of Greenacres extending the Agreement completion date.

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3I-3 Amendment 002 with the City of Lake Worth Beach to extend the performance timeline.

K. WATER UTILITIES

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- 3K-4 Interlocal Agreement with the City of West Palm Beach, East Center Regional Wasterwater Treatment Facilities Operation Board, and the Palm Beach County for Enhancement of the Reclaimed Water Facility; and Work Order NO. 3 with Globaltech, Inc. for design and construction of the enhancements/improvements.

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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- 3L-1 Resolution authorizing Director of ERM to submit a grant application FWC Florida Boating Improvement Program grant for construction costs for the Old Bridge Park Dock Replacement project.

M. PARKS & RECREATION

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- 3M-1 Entertainment Contractor Agreement with Frank LoVerso for the Whitestone concert.

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- 3M-2 Special Events Rental Agreement with Lights 4 Hope, Inc. for the Lights 4 Hope Event.

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- 3N-1 Agreement with Palm Beach County Food Bank, Inc. to provide Weekend Meal Program to children.

Q. CRIMINAL JUSTICE COMMISSION

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- 3Q-1 Appointment of one new member to the Criminal Justice Commission.

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3X-1 Agreements with Public Safety Answering Point locations for the installation, operation and maintenance of the 9-1-1 emergency call handling system.

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~~3X-2 Memorandum of Agreement with Palm Beach State College to formalize the coordination efforts for the delivery of forensic exams and services when responding to student and employee victims of sexual assault.~~

Z. RISK MANAGEMENT

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3Z-1 First Amendment with Diagnostic Centers of America, LLP for the provision of certain medical services.

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3Z-2 Memorandum of Understanding with FLHSMV for Driver's License and/or Motor Vehicle Record Data Exchange.

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3Z-3 Renewal of the excess property, excess liability, excess workers' compensation insurance programs and ancillary policies with Risk Management Associates, Inc.

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3CC-1 Budget Transfer from LETF for PBSO's support of various programs for its strong commitment to the prevention and reduction of crime throughout Palm Beach County.

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PUBLIC HEARINGS – 9:30 A.M.

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4A-1 Tax Equity & Fiscal Responsibility Act Public Hearing concerning issuance in County Industrial Development Revenue Bonds, and adopt a Resolution.

B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 47

4B-1 Adopt an Ordinance as amended to the Surplus Property Ordinance.

Page 48

4B-2 Approve a Resolution approving Fiscal Year 2024 Mid-Year Budget Amendments and Transfers.

C. OFFICE OF EQUAL BUSINESS OPPORTUNITY

Page 49

4C-1 Adopt an Ordinance modifying the definition of the current gross annual revenue size standards for small businesses.

REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT

Page 50

5A-1 Adopt a Resolution providing for a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses.

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5A-2 Rescind the American Rescue Plan Act Response Replacement Fund award to Vita Nova, Inc.; approve HOME American Rescue Plan Program, and direct staff.

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5A-3 Approve two ad-valorem funded positions for HED to assist with the administration of housing programs.

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5A-4 2023 Crime Statistics Report for the Palm Beach County Urban High-Crime Job Tax Credit Program.

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5B-1 Adopt a Resolution approving revisions to the Investment Policy.

C. FACILITIES DEVELOPMENT & OPERATIONS

Page 56

5C-1 Second Amendment with Connemara Associations, Inc. extending the term of agreement.

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5C-2 Interlocal Agreement with the Town of Hypoluxo for the purchase of land located at 7200 S. Federal Highway.

Page 58

5C-3 Request from staff for direction regarding the potential disposition of the County-Owned property located at 429 Park Place.

Page 59 - 60

5C-4 Request from staff for direction regarding the master planning of the 45th Street Complex.

BOARD APPOINTMENTS (Pages 61 - 62)

6A-1 Appointment of two (2) members to the Zoning Commission.

6B-1 Commissioner District Board Appointments.

STAFF COMMENTS (Page 63)

BCC COMMENTS (Page 64)

ADJOURNMENT (Page 65)

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>
January 30, 2024	Workshop
February 6, 2024	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 approve:** a contract with Heavy Civil, Inc. (HCI) in the amount of \$345,122.50 with a contract time of 240 calendar days for the construction of drainage improvements on A1A from Indiantown Road to approximately 650’ north (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to install drainage pipes, structures, and water quality improvements for the Project. On May 3, 2023, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 20% minimum mandatory Small Business Enterprise (SBE) participation. HCI agreed to 20.8% SBE participation for this contract. Bids for the contract were received by the Engineering & Public Works (EPW) Department on November 7, 2023. HCI was the lowest responsive bidder of two bidders. The contract time for the Project is 240 calendar days. **This Project is included in the Five-Year Road Program.** District 1 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd.)

2. Staff recommends motion to approve: a contract with Florida Blacktop, Inc. (FBI) in the amount of \$587,622.84 with a contract time of 180 calendar days for the construction of Palmetto Park Road & SR 7 and SW 18th Street & SR 7 Intersection Improvements (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to relocate and reconfigure the traffic separators on both Palmetto Park Road and SW 18th Street to extend the left turn lanes to go south on SR 7. On August 2, 2023, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 20% minimum mandatory Small Business Enterprise (SBE) participation. FBI agreed to 63.96% SBE participation for this contract. Bids for the contract were received by the Engineering and Public Works Department (EPW) on November 7, 2023. FBI was the lowest responsive bidder of four bidders. The contract time for the Project is 180 calendar days. FBI has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program. District 5 (YBH)**

E. COMMUNITY SERVICES

1. Staff recommends motion to receive and file: the Agency for Health Care Administration (AHCA) Health Care Licensing Renewal Application, for the period March 18, 2024 through March 17, 2026, to renew the Division of Senior and Veteran Services (DSVS) North County Adult Day Care Center license as required by AHCA. **SUMMARY:** AHCA is responsible for the licensure and regulation of health facilities, including adult day care centers. Adult day care centers are required to be licensed by AHCA with a renewal every two (2) years through a licensing application process. The attached AHCA Health Care Licensing Application is required 60 days prior to the expiration of the current license, which is March 17, 2024. The licensing renewal enables DSVS to continue to operate the adult day care center. The center provides support and care for the elderly and/or adults with Alzheimer's and for adults with disabilities so that they can live independently. There is no cost to Palm Beach County as county-operated or municipally operated centers applying for licensure are exempt from the payment of license fees. On July 11, 2017, the Board of County Commissioners authorized the County Administrator, or designee, to execute renewal applications for this purpose. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Senior Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

MARCH 12, 2024

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. Staff recommends motion to:

- A) **ratify** the Mayor's signature on Standard Agreement No. IA024-9500 for the Older Americans Act (OAA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period January 1, 2024 through December 31, 2024, in an amount not-to-exceed \$3,189,303, to provide in-home and community based services to seniors; and
- B) **approve** an upward Budget Amendment of \$974,641 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget to the actual grant award.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. **SUMMARY:** The OAA Standard Agreement (Catalog of Federal Domestic Assistance (CFDA) #93.044, #93.045 & #93.052) allows DSVS to continue providing services to eligible seniors age 60 and older and their caregivers. OAA provides funding for critical services that help older adults maintain their independence. Services include caregiver and in-home support services and meals. The congregate meal program provides meals and nutrition education in churches, community and senior centers and other public and private facilities strategically located throughout Palm Beach County. The home-delivered meal program provides meals and nutrition education to homebound seniors. The in-home services program provides support services to families/caregivers caring for frail older family members. In Grant Year (GY) 2023, spanning from January 1, 2023, to December 19, 2023: OAA 3B served 199 clients, with a contract amount of \$2,530,720; OAA C2 served 423 clients, with a contract amount of \$707,667; OAA C1 served 1,628 clients, with a contract amount of \$861,030; and OAA 3E served 72 clients, with a contract amount of \$415,448. In GY 2022, from January 1, 2022, to December 31, 2022: OAA 3B served 241 clients, with a contract amount of \$1,146,877; OAA C2 served 457 clients, with a contract amount of \$568,852; and OAA 3E served 74 clients, with a contract amount of \$170,049. **There is a required County match under 3B CFDA No. 93.044 in the amount of \$141,256, C1 CFDA No. 93.045 in the amount of \$80,726, C2 CFDA No. 93.045 in the amount of \$91,350 and 3E CFDA No. 93.052 in the amount of \$19,556, totaling \$332,888, which is already included in the budget. No additional County match is required.** The number of seniors served is based on the amount of the grant and the need of the clients. The upward budget amendment is necessary to align the County budget with the actual grant award. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Rd. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. The emergency signature process was utilized because there was not sufficient time to submit the required form through the regular agenda process. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. Staff recommends motion to:

A) receive and file Amendment 005 to Standard Agreement No. IRP22-9500 (R2022-0395) for the American Rescue Plan Act (ARPA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period January 1, 2022 through September 30, 2024, to amend, revise and replace portions of the standard agreement and increase the overall total funding by \$500,000 for a new not-to-exceed amount of \$2,662,277, to prevent, prepare and respond to the pandemic by providing supportive services to vulnerable seniors; and

B) approve an upward Budget Amendment of \$500,000 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget with the amended grant award.

SUMMARY: To address the requirements of senior citizens and family caregivers, the American Rescue Plan (ARP) Program prevents, prepares for, and responds to the coronavirus pandemic. Amendment 005 increases funding by \$500,000. On December 19, 2023, the Board of County Commissioners (BCC) approved Older Americans Act Amendment 004 to Standard Agreement IRP22-9500, which reduced the allocation for ARP Home Delivered Meals under Title III-C2 of the Older Americans Act by \$500,000, allowing AAA to reallocate the funds for ARP Family Caregivers under Title III-E of the Older Americans Act. On December 19, 2023, the BCC authorized the County Administrator, or designee, signatory authority on additional forms, contracts/agreements and amendments thereto. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as receive and file agenda item. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. **There is a 10% required County match in the amount of \$55,556 that is already included in the budget.** ARP Amendment 005 Catalog of Federal Domestic Assistance (CFDA) Number is 93.045. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. Staff recommends motion to:

- A) **receive and file** Amendment 003 to Standard Agreement No. IZ023-9500 (R2023-1279) for Alzheimer's Disease Initiative (ADI) with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2023 to June 30, 2024, to revise and replace portions of the Standard Agreement, with no change to the total agreement amount of \$2,365,100, to assist seniors afflicted with Alzheimer's disease and dementia, as well as their caregivers, with services to help seniors reside independently in their homes;
- B) **receive and file** Amendment 002 to Standard Agreement No. IC023-9500 (R2023-1277) for Community Care for the Elderly (CCE) with AAA for the period July 1, 2023 to June 30, 2024, to revise and replace portions of the Standard Agreement, with no change to the total agreement amount of \$3,128,970, to prevent or delay institutional placement;
- C) **receive and file** Amendment 002 to Standard Agreement No. IH023-9500 (R2023-1278) for Home Care for the Elderly (HCE) with AAA for the period July 1, 2023 to June 30, 2024, to revise and replace portions of the Standard Agreement, with no change to the total agreement amount of \$187,863, to encourage the provision of care for seniors in family-type living arrangements in private homes as an alternative to institutional care settings;
- D) **receive and file** Amendment 003 to Standard Agreement No. IH023-9500 (R2023-1278) for HCE with AAA for the period July 1, 2023 through June 30, 2024, to revise and replace portions of the Standard Agreement, with no change to the total agreement amount of \$187,863, to encourage the provision of care for elders in family-type living arrangements in private homes as an alternative to institutional care settings;
- E) **receive and file** Amendment 004 to Standard Agreement No. IA023-9500 (R2023-0485) for Older Americans Act (OAA) with AAA for the period for period January 1, 2023 to December 31, 2023, to revise and replace portions of the Standard Agreement, with no change to the total agreement amount of \$4,726,627.37, to provide in-home and community based services to seniors; and
- F) **approve** a Budget Transfer in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget to the actual grant award.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. **SUMMARY:** In Grant Year (GY) 2023, from July 1, 2023 to December 31, 2023, these proposed amendments revised service rates and clarified various procedures in these Standard Agreements that enabled DSVS to offer a range of services to seniors and their caregivers. The CCE Agreement (Catalog of State Financial Assistance (CSFA) 65.010) allows DSVS to provide medical supplies, emergency alert response, personal care, respite, and other community-based services, and served 214 clients in GY 2023. The HCE Agreement (CSFA 65.001) allows DSVS to assist seniors and caregivers with a basic monthly subsidy for medical supplies and other necessary services, and served 64 clients in GY 2023. The ADI Agreement (CSFA 65.002 and 65.004) enables DSVS to offer medical supplies and respite for caregiver relief, and served 124 clients in GY 2023. Additionally, under the OAA Agreement 004 (Catalog of Federal Domestic Assistance (CFDA) #93.044), DSVS provides congregate and home-delivered meals, homemaker services, personal care, and a variety of other services. The budget transfer is necessary to align the County budget with the actual grant award. DSVS is responsible for providing services north of Hypoluxo Rd. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Rd. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Rd. **No County match is required.** (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

5. Staff recommends motion to ratify: the signature of the Mayor on the Ryan White HIV/AIDS Program (RWHAP) Part A Estimated Unobligated Balance (UOB) Report and Estimated Carryover Request Penalty Waiver issued by Department of Health and Human Services Health Resources and Services Administration (HRSA). **SUMMARY:** RWHAP Part A recipients who do not expend at least 95% of the Part A formula award may request a UOB Penalty Waiver with an estimated UOB and carryover request. The UOB Penalty Waiver request will prevent any reduction in the RWHAP Part A formula award for future years and ensure eligibility to receive RWHAP Part A supplemental funds if the 95% expenditure threshold is not met. The Community Services Department has implemented a process to monitor the spending of each organization funded by RWHAP and will collaborate with them to ensure successful performance. The Palm Beach County Board of County Commissioners has received this federal grant since 1994 and has assisted thousands of persons with HIV/AIDS with medical and support services. The funding for Grant Year (GY) 2024 will allow service to approximately 3,000 Palm Beach County residents with HIV/AIDS and advance the goal to end HIV by 2030. The emergency signature process was utilized because there was not sufficient time to submit the required form through the regular agenda process. **These are federal grant funds and no County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

6. Staff recommends motion to:

A) **receive and file** Amendment No. 0007 to the Florida Department of Children and Families (DCF) Unified Homeless Grant Contract No. IP004 (R2019-1138), for the period July 1, 2019 through June 30, 2025, to increase the grant award by \$78,752 for a new total amount not-to-exceed \$4,203,175.64, in staffing grant funds; and

B) **approve** an upward Budget Amendment of \$78,752 in the General Fund, Division of Human Services and Community Action Program (HSCAP) to align the budget with the grant award.

SUMMARY: Amendment No. 0007 (Catalog of State Financial Assistance (CSFA) No. 60.021) amended DCF agreement No. IP004 to increase funding for operating or staffing costs. This funding will be used to develop the Palm Beach County Continuum of Care (CoC) Plan, further assist the local community through planning, coordinating and monitoring the delivery of services to persons who are homeless or about to be homeless within the CoC service delivery area, supplement the cost of staffing expenses for CoC activities, and administer services under IP004. The amendment was executed by the County Administrator in accordance with Agenda Item 3E-2, dated June 15, 2021, which delegated signature authority to the County Administrator, or designee, to execute grant amendments thereto, and all necessary documents related to the DCF Unified Homeless Grant. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. **No County funds are required.** (Human Services and Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

7. **Staff recommends motion to approve:** Subrecipient Agreement with The Salvation Army (TSA), retroactively for the period October 1, 2023 through September 30, 2024, in an amount not-to-exceed \$70,000 in Emergency Solutions Grant (ESG) program funds to provide emergency shelter to families with minor children experiencing homelessness. **SUMMARY:** On July 11, 2023, the Board of County Commissioners (BCC) approved the Palm Beach County Action Plan for Fiscal Year 2023-2024, which allocated \$452,818 in ESG program funds for nonprofit agencies to assist people experiencing homelessness, or who are at risk of homelessness, including those fleeing domestic violence. TSA's Center of Hope will provide case management, employment assistance, housing plan development, life skills, and other services to assist program participants in securing permanent housing as quickly as possible. The finalization of this agreement was delayed due to TSA's requirement that all negotiations or changes go through their national headquarters before approval. Under the new ESG agreement, TSA is expected to serve 8 unduplicated households in its emergency shelter. In FY 2023, TSA served 12 family households and expended 90% of its ESG award. In FY 2022, TSA served 12 family households and expended 100% of its ESG award. There is a significant decrease in the funding amount allocated, which impacts the amount of families to be served in FY 2024. **No County match is required.** (Division of Human Services and Community Action Program (HSCAP) Countywide (HH))

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

8. Staff recommends motion to approve:

- A) Amendment No.1 to the Low Income Home Energy Assistance Program Vendor Agreement with Florida Power & Light Company (FPL) (R2020-1647), for the period September 1, 2020 through August 31, 2025, to amend, revise and replace portions of the agreement, at no cost to the County, to provide utility services to eligible participants; and
- B) Amendment No. 1 to the Low-Income Home Energy Assistance Program Vendor Agreement with the City of Lake Worth Beach Utilities (LWU) (R2023-0571), for the period August 1, 2022 through August 31, 2025, to amend, revise and replace portions of the standard agreement, at no cost to the County, to provide utility services to eligible participants.

SUMMARY: The Low-Income Home Energy Assistance Program (LIHEAP) Federally Funded Subgrant Agreement No. E2016 (R2021-0783) requires the Community Action Program (CAP) to have agreements with local energy vendors. The purpose of the amendments is to update the requirements regarding refundable activity and to document that the energy vendors will provide monthly documentation showing that LIHEAP benefits were delivered. The State of Florida, Department of Commerce (FDOC) awarded CAP \$4,697,292 in LIHEAP funds. LIHEAP funding allows CAP to provide assistance to low-income households experiencing a home energy emergency. The agreements with FPL and LWU allow CAP to process payments on behalf of low-income clients; therefore, avoiding disconnection of services for eligible participants. In Federal Fiscal Year (FFY) 2022, energy services were prevented from disconnection or restored through LIHEAP to 7,783 households. Over the course of the vendor agreements, CAP anticipates serving approximately 7,800 households on a yearly basis. Pursuant to the Subgrant Agreement No. E2016, the State of Florida's and FDOC's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida. FDOC shall have final authority as to both the availability of funds and what constitutes an "annual appropriation" of funds. The lack of appropriation or availability of funds shall not create FDOC's default under this Agreement. If there is a state or federal funding shortfall, then the funding otherwise made available under the agreement may be reduced. **No County match is required.** (Division of Human Services and Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a negotiated settlement offer in the amount of \$24,000 for the full satisfaction of a code enforcement lien entered against Arlene J. Lynch on February 2, 2011. **SUMMARY:** On September 1, 2010, a Code Enforcement Special Magistrate (CESM) issued an order giving Arlene J. Lynch until October 31, 2010 to bring her property located at 3233 Atlantic Road, Palm Beach Gardens, FL into full code compliance. A notice of violation was issued on May 6, 2010 for installation of a fence and a shed without obtaining a permit. A permit for the fence was obtained; however, the shed remained unresolved. Full compliance with the CESM's order was not timely achieved, and a fine of \$50 per day was imposed. The CESM executed an order imposing a code lien against Arlene J. Lynch on February 2, 2011. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on March 23, 2018. Settlement discussions began on December 21, 2023 when the total accrued fine amounted to \$135,212.84. Ms. Lynch's daughter, Christine Zamperini, and her legal representative, Dylan J. Brandenburg, Esq., have agreed to pay Palm Beach County \$24,000 (18%) for full settlement of the outstanding code enforcement lien. The settlement will be paid in monthly installments. District 1 (SF)

3. CONSENT AGENDA APPROVAL

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

2. **Staff recommends motion to approve:** a negotiated settlement offer in the amount of \$9,700 for the full satisfaction of a code enforcement lien entered against Andrew D. and Karyl J. Baxter on January 21, 2019. **SUMMARY:** On July 18, 2018, a Code Enforcement Special Magistrate (CESM) issued an order giving Andrew D. and Karyl J. Baxter until September 16, 2018 to bring their property located at 17312 66th Ct N, Loxahatchee into full code compliance. The violation included open storage of several inoperable vehicles including a camper in disrepair, boat parts, metal and wood on the property. Compliance with the CESM's order was not achieved in a timely manner, and a fine of \$50 per day was imposed. The CESM then entered a claim of lien against Mr. and Mrs. Baxter on January 21, 2019. The Code Enforcement Division issued an affidavit of compliance for the property on January 5, 2024. Settlement discussions began on January 15, 2024 when the total accrued fine amounted to \$96,959.09. Mrs. Baxter has agreed to pay Palm Beach County \$ 9,700 (10%) for full settlement of the outstanding code enforcement lien. District 6 (SF)

3. **Staff recommends motion to approve:** A Budget Transfer in the ARPA Response Replacement Projects Fund (Fund 1164) to modify project budgets of previously approved categories. **SUMMARY:** On November 2, 2021, the Palm Beach County Board of County Commissioners (Board) approved a fiscal strategy for the spending of American Rescue Plan Act (ARPA) funds. On July 12, 2022, the Board approved an agenda item to establish project budgets in the ARPA Response Replacement Fund (Fund 1164) establishing the budget with the same categories but under the Revenue Replacement option. Per our auditors' recommendation, funds used as revenue replacement have been received in the General Fund to cover general government expenses, which frees up Ad Valorem funds to pay for projects previously approved by the Board. As County priorities shift, some categories no longer need to be funded. This agenda item will transfer funding from various outdated projects to Stormwater Improvement projects to cover the Stormwater funding shortfall presented at the January 30, 2024 Budget Workshop. This will not change the total budgeted amount in Fund 1164 as approved by the Board. This Budget Transfer leaves \$5,712,999 in reserves to be brought to the Board for allocations to projects at a later date. Countywide (DB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Second Amendment to the Interlocal Agreement (R2020-1608) (Agreement) with the City of Boca Raton (City) which replaces and updates the substantial completion date for the construction of the 400' self-supported public safety radio communications tower and associated improvements (Tower). **SUMMARY:** On October 20, 2020, the County and the City entered into the Agreement to fund, design, construct, manage, and maintain the Tower on land owned by the City. The construction of the Tower was expected to be completed within twelve (12) months of construction commencement. Due to circumstances beyond the control of either party, construction of the Tower took longer than originally anticipated. This Second Amendment replaces and updates the commencement and substantial completion dates for this project. Other than the changes set forth herein, all other terms remain the same. **There is no fiscal impact associated with this item.** The funding source for this project is the 800 MHz Replacement, Repair & Improvement Fund. (FDO Admin) Countywide (MWJ)

2. Staff recommends motion to receive and file: a Temporary Construction Easement in favor of South Florida Regional Transportation Authority (SFRTA) for the purpose of allowing SFRTA to temporarily use a portion of the County's Intermodal Transit Center as a construction staging site, while SFRTA makes renovations to its pedestrian bridge, for a period of ninety (90) days at no cost. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached standard Temporary Construction Easement (TCE) has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. The standard TCE was approved by the Board on July 1, 2014. The executed document is now being submitted to the Board to receive and file. There is no fiscal impact associated with approval of this item. (Property & Real Estate Management) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

3. **Staff recommends motion to receive and file:** zero-dollar value (\$0) Change Order No. 1 documenting a decrease in the amount of \$2,035 to the project contingency fund of Amendment No. 1 to the continuing Construction Manager (CM) at Risk Services contract (R2023-0139) with Lebolo Construction Management, Inc. for the Jupiter Health Center Renovations project. **SUMMARY:** On May 2, 2023, the Board of County Commissioners (Board) approved Amendment No. 1 (R2023-0582) to the continuing CM at Risk Services contract (R2023-0139) with Lebolo Construction Management, Inc. in the amount of \$546,499, establishing a Guaranteed Maximum Price (GMP) for construction management services necessary to renovate the Jupiter Health Center public restrooms. Renovations are required in order to bring the men's and women's public restrooms into compliance with the Americans with Disabilities Act (ADA). Change Order No. 1 to Amendment No. 1 (Change Order No. 1) authorizes the use of project contingency funds for subcontractor buyout reconciliation for the Jupiter Health Center Renovations project, as allowed by the contract provisions. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 1 is a \$0 Change Order. This agenda item is being submitted to notify the Board of a \$0 Change Order established by PPM CW-F-050. Amendment No. 1 was competitively solicited by Lebolo Construction Management, Inc. utilizing the federal requirements provided by the Department of Housing and Economic Development (DHED). The County's Equal Business Opportunity Program does not apply to federally funded contracts. Under the federal requirements, a minority participation goal of 22.4% and female participation goal of 6.9% has been established. **Funding for this project is from the Infrastructure Sales Tax Fund and the Public Building Improvement Fund.** (Capital Improvements Division) District 1 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

4. Staff recommends motion to approve: First Amendment to the Amended and Restated Agreement (R2019-1504) (“Agreement”) with JFK Medical Center (“Hospital”), to extend the term of the Agreement for interoperable communications through the countywide emergency medical services (EMS) and common talk groups of the County’s Public Safety Radio System (“County’s System”) from March 16, 2024 through March 15, 2029. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide EMS and common talk groups for certain types of inter-Agency communications, expires on March 15, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. The Hospital has approved a renewal to extend the term of the Agreement to March 15, 2029, and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with the Hospital’s subscriber units and to comply with the established operating procedures for the County’s System. This Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. The first renewal extends the term of the agreement, and adds the County’s standard E-verify provision. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

5. Staff recommends motion to approve: First Amendment to the Amended and Restated Agreement (R2019-1503) (“Agreement”) with Jupiter Medical Center Inc., (“Hospital”), to extend the term of the Agreement for interoperable communications through the countywide emergency medical services (EMS) and common talk groups of the County’s Public Safety Radio System (“County’s System”) from March 16, 2024 through March 15, 2029. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide EMS and common talk groups for certain types of inter-Agency communications, expires on March 15, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. The Hospital has approved a renewal to extend the term of the Agreement to March 15, 2029, and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with the Hospital’s subscriber units and to comply with the established operating procedures for the County’s System. This Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. The first renewal extends the term of the Agreement, and adds the County’s standard E-verify provision. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

6. Staff recommends motion to approve: Change Order No. 5 to Amendment No. 8 (R2022-0592) to the continuing Construction Manager (CM) at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the C.L. Brumback Health Center Renovations project in the amount of \$15,628.71, increasing the project duration by 120 calendar days. **SUMMARY:** On June 14, 2022, the Board of County Commissioners (Board) approved Amendment No. 8 (R2022-0592) to the continuing CM at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. in the amount of \$919,558 establishing a Guaranteed Maximum Price (GMP) for construction management services for the C.L. Brumback Health Center Renovations project. The C.L. Brumback Health Center Renovations project includes, but is not limited to, renovations to the interior of the first floor public restrooms at the C. L. Brumback Health Center and interior renovations at the Youth Services facility to include a new counter equipped with a sink, new doors, new ceiling tiles, new flooring, new restroom fixtures and new light fixtures. Additionally, the work at the Youth Services facility includes, but is not limited to, selective demolition services; painting the interior of the facility; electrical services to add/relocate power receptacles and modifications to the plumbing, heating, ventilation and air conditioning (HVAC) systems to accommodate the new interior layout. The improvements are required in order to bring the facility into compliance with the Americans with Disabilities Act (ADA) and in order to provide a better layout to more efficiently serve the needs of Youth Services. Change Order No. 5 to Amendment No. 8 (Change Order No. 5) authorizes the labor and materials necessary for additional work and modifications to the fire protection system which includes, but is not limited to, seven (7) additional manual fire dampers, framing for the additional fire dampers and required ceiling access. Change Order No. 5 also increases the project duration by 120 calendar days as a result of the long lead procurement time items and time required to coordinate and complete the work. The work was competitively solicited by Lebolo utilizing the Federal requirements provided by the Department of Housing and Economic Development (DHED). The County's Equal Business Opportunity Program does not apply to federally funded contracts. Under the Federal requirements, this project has a 22.4% minority and 6.9% female participation goal established. 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.)

7. Staff recommends motion to approve:

- A) a Budget Transfer in the amount of \$2,588,955 in the 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg Fund from the Bond Reserves to increase the budget for the Supervisor of Elections (SOE) Production Facility project; and
- B) Change Order No. 19 to Amendment No. 1 (R2021-1793) for the Construction Manager (CM) at Risk Services contract (R2019-1751) with Kast Construction Company LLC in the amount of \$344,665.79 for the SOE Production Facility project.

SUMMARY: On November 19, 2019, the Board of County Commissioners (Board) approved the contract with Kast Construction Company LLC for construction management services for the SOE Production Facility project. On December 7, 2021, the Board approved Amendment No. 1 (R2021-1793) for the construction of approximately 156,000 square feet of office and warehouse space which will house the SOE administrative offices and production facility operations; a multi-story parking garage of approximately 146,000 square feet and additional surface parking for both public and staff use; including all the associated site infrastructure improvements required to support both buildings. Change Order No. 19 to Amendment No. 1 (Change Order No. 19) authorizes the construction management services necessary for additional substrate for metal panels, access openings with doors for emergency generators, headers at two (2) roof access ladder locations and additional site grading, low voltage, mechanical, electrical and plumbing work for the SOE Production Facility project. The Budget Transfer being recommended for approval will serve to increase the project budget by reassigning from Bond Reserves funds accrued through interest earnings. Thereby, providing a source to fund changes to the scope of work (i.e., outside the guaranteed maximum price) should the same be required. The solicitation for a CM was advertised on July 21, 2019 according to the requirements of the Equal Business Opportunity (EBO) ordinance. On July 21, 2021, the Goal Setting Committee established an Affirmative Procurement Initiative (API) of 20% Small Business Enterprise (SBE) participation for the construction phase of the project, of which 8% must be African American or Hispanic American firms. The SBE Participation for this Change Order is 36.64%, of which 2.60% is African American or Hispanic American participation. To date, the overall SBE participation for this contract is 23.45% SBE participation, of which 9.27% is African American or Hispanic American participation. Kast Construction Company LLC is a Palm Beach County Business. This project is funded by the 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg. Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

8. Staff recommends motion to approve: a Declaration of Easement (Easement) in favor of Palm Beach County for water meter, a back flow preventer, a fire hydrant, and appurtenant equipment to service the new Fire Station No. 49 (Facility) located at 12555 Lyons Road in unincorporated Palm Beach County. **SUMMARY:** Fire Station No. 49 is located on Lyons Road in the Monticello Planned Unit Development (PUD) in Boynton Beach in unincorporated Palm Beach County. The County's Water Utilities Department (WUD) requires an easement to document the existence and location of its water meter, back flow preventer, fire hydrant and appurtenant equipment to service the new Facility. The Easement encompasses an area that is approximately 20 feet by 204 feet containing approximately 4,080 square feet (0.09 acre). The Easement will be recorded to provide public notice of its existence and location. **There is no fiscal impact associated with approval of this item.** (Property & Real Estate Management) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

9. Staff recommends motion to receive and file:

- A) Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade located at 9620 Weisman Way from January 10, 2024 through January 30, 2024 with the South Florida Fair and Palm Beach Expositions, Inc., for parking by the public and the Palm Beach County Sheriff's Office during the 2024 South Florida Fair;
- B) First Amendment to Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade and the additional parking area east of the Wheel Lot located at 9620 Weisman Way from January 10, 2024 through January 30, 2024 with the South Florida Fair and Palm Beach Expositions, Inc., for parking by the public and the Palm Beach County Sheriff's Office during the 2024 South Florida Fair; and
- C) Standard License Agreement for Use of County-Owned Property adjacent to the County Stockade located at 9620 Weisman Way from April 16, 2024 through April 22, 2024 with the South Florida Fair and Palm Beach Expositions, Inc., for parking by the public and the Palm Beach County Sheriff's Office during the 2024 Barrett-Jackson event.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached standard License Agreements and the First Amendment to the standard License Agreement (First Amendment) have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. The Standard License Agreement and First Amendment were approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013. These executed documents are now being submitted to the Board to receive and file. (Property & Real Estate Management) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

10. Staff recommends motion to approve: a License Agreement (License) in favor of Hotwire Communications, Ltd., to use County-owned property known as Roger Dean Stadium Sports Complex, located at 4751 Main Street in Jupiter, for the installation of fiber-optic cable and placement of appurtenant equipment. **SUMMARY:** The Roger Dean Stadium Sports Complex (Complex) is a 90-acre site owned by Palm Beach County and operated by Jupiter Stadium, Ltd. (JSL) under the terms of a Sports Facility Use Agreement (R96-877D), dated July 9, 1996, as amended and restated (R2011-0694, and R2022-0521). JSL and the St. Louis Cardinals, LLC entered into agreements with the Hotwire Communications, Ltd. (Hotwire) which requires Hotwire to provide equipment and services for high speed internet, and security and video services. JSL and the St. Louis Cardinals, LLC have requested the County grant a License Agreement to Hotwire for the installation of fiber optic cable and appurtenant equipment for the provision of said services as the property is owned by the County. The County is granting a non-exclusive License for the installation of communication equipment, including but not limited to underground fiber-optic cable, fiber-optic encasement conduit and appurtenant equipment to provide fiber-optic communication capabilities to the Complex, together with a license to tie into existing conduit within the Complex, if necessary. The Term of the License Agreement expires simultaneously with the expiration or termination of either: i) Sports Facility Use Agreement or ii) the Hotwire Communications, Ltd. agreements with St. Louis Cardinals, LLC and JSL, whichever occurs sooner. Either party has the right to terminate the License with a ninety (90) day written notice to the other party. This License is being granted at no charge as it will provide fiber-optic communications service to the County-owned Complex. There is no fiscal impact associated with this License. (Property & Real Estate Management) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

- A) **approve** an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the total amount of \$45,372 to Vita Nova of Renaissance Village, LLC (VNRV);
- 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 \$39,432 in Impact Fee Assistance Program – Roads Zone 2 to appropriate funds for VNRV;
- D) **approve** a Budget Transfer of \$3,923 in Impact Fee Assistance Program – Parks Zone 2 to appropriate funds for VNRV; and
- E) **approve** a Budget Transfer of \$2,017 in Impact Fee Assistance Program – Public Building to appropriate funds for VNRV.

SUMMARY: On October 6, 2023, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$1,372,640 in IFAHAP funding available from Palm Beach County's Fiscal Year 2023 allotment funding cycle. VNRV submitted an application in response to the NOFA. Staff recommends that up to \$45,372 be provided as a credit for impact fees associated with the construction of 12 one-bedroom apartments in a two level structure located at 1330 Alpha Street, West Palm Beach, FL 33401. The units will be affordable to young adults ages 18-24 who are experiencing or are at risk of homelessness. VNRV will be given credits for Roads Zone 2 Impact Fees (\$39,432), Parks Zone 2 (\$3,923), and Public Building Impact Fees (\$2,017) for the construction of the Omega Apartments project. VNRV will pay impact fees above the allocated \$45,372. 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 for no less than 30 years. **These funds are from interest earned by the Impact Fee Fund. District 2 (HJF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

2. **Staff recommends motion to receive and file:** Amendment 002 dated November 27, 2023 to Agreement (R2022-1209) with the City of Greenacres, dated October 1, 2022, in the amount of \$198,947 funded under the Community Development Block Grant (CDBG) program, extending the Agreement completion date from December 31, 2023 to April 30, 2024. **SUMMARY:** The Agreement (R2022-1209) provided \$198,947 in funding to undertake Phase I of sanitary sewer improvements located in the area between 10th Avenue North and Biscayne Boulevard within the City of Greenacres. Amendment 002 to the Agreement is necessary due to unforeseen conditions at the project site which require additional time to complete construction. This construction delay has also impacted project expenditure and CDBG reimbursement timelines. The Agreement date to complete construction has been extended from November 30, 2023 to March 31, 2024 and the City's 100% reimbursement request for CDBG funds has been extended from December 31, 2023 to April 30, 2024. The original Agreement was received and filed by the Board of County Commissioners (BCC) on October 18, 2022 (R2022-1209). Amendment 001 was received and filed by the BCC on March 14, 2023 (R2023-0312). Amendment 002 was executed on behalf of the BCC by the Director of the Department of Housing and Economic Development in accordance with R2022-0746; dated July 12, 2022, that delegated authority to the County Administrator or designee to execute forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Consolidated Plan, Action Plan, CDBG, HOME and ESG activities. County PPM CW-O-051 provides that all contracts, agreements and grants signed with delegated authority must be submitted by the initiating department as a receive and file agenda item. **These are Federal CDBG funds which do not require a local match.** District 3 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

3. [Staff recommends motion to receive and file:](#) Amendment 002 dated December 28, 2023 to the Agreement with the City of Lake Worth Beach, dated October 1, 2022 (R2022-1210) in the amount of \$306,691 to extend the performance timeline to May 31, 2024, which allows the City adequate time to request 100% CDBG reimbursement from the County. **SUMMARY:** The Agreement (R2022-1210) provided \$306,691 in funding for the Phase II improvements including ADA bathrooms, storage facility, outdoor amenities and resurfacing of the parking area at Harold Grimes Memorial Park in the City of Lake Worth Beach. Amendment 002 to the Agreement was requested by the City due to delays with completing project close-out requirements. The timeline to request 100% reimbursement of CDBG funds from the County was extended from December 31, 2023 to May 31, 2024. The original Agreement was received and filed by the Board of County Commissioners (BCC) on October 18, 2022 (R2022-1210). Amendment 001 was received and filed by the BCC on March 14, 2023(R2023-0309). Amendment 002 was executed on behalf of the Board of County Commissioners by the Director of the Department of Housing and Economic Development, in accordance with R2022-0746; dated July 12, 2022 that delegated authority to the County Administrator or designee to execute forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Consolidated Plan, Action Plan, CDBG, HOME and ESG activities. County PPM CW-O-051 provides that all contracts, agreements and grants signed with delegated authority must be submitted by the initiating department as a receive and file agenda item. **These are Federal CDBG funds which do not require a local match.** District 2 (HJF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 7 to the Consulting/Professional Services Pressure Pipeline Engineering Services (Contract) with Mock, Roos & Associates, Inc. (Consultant) for Engineering Services for the East-West Water Main Interconnection Feasibility Study (Project) for a not to exceed amount of \$147,207. **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. 7 provides for professional engineering services to evaluate feasibility, sizing, route and cost for construction of a water main interconnection between the eastern and western water distribution systems. 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 (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. The Contract provides for 34% SBE participation, which includes 34% MBE participation, 34% MBE (B). CSA No. 7 includes 41.48% SBE participation, which includes 41.48% MBE, 41.48% MBE (B). The cumulative SBE participation, including CSA No. 7, is 31.94%, which includes 31.94% MBE, 31.94% MBE (B). Consultant is a Palm Beach County based company. The Project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 24-009) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. **Staff recommends motion to approve:** a Contract for the Western Region North Wastewater Treatment Facility (WRNWWTF) Electrical and Wet Weather Improvements (Project) with DMR Construction Services, Inc. (Contractor) in the amount of \$8,379,782. **SUMMARY:** On May 17, 2023, the Palm Beach County Water Utilities Department (PBCWUD) received four (4) bids for the Project. Contractor was determined to be the lowest responsive and responsible bidder in the amount of \$8,379,782. The Project provides for furnishing all materials, labor, supervision, equipment, supplies, fees, expertise and services necessary for the installation of various electrical, instrumentation and controls and process piping improvements at the WRNWWTF, located in Pahokee, Florida. The major project components include: (i) construction of a fully enclosed backup power generator, (ii) installation of pre-cast concrete electrical building with associated 480 volt switchgear and motor control centers, (iii) auger cast pile foundations for generator and electrical building, (iv) replacement of the plant-wide controls system, (v) replacement of process piping ranging in size from 6-inch to 16-inch, and (vi) various site improvements such as perimeter security fence, lightning protection, and site lighting. DMR Construction Services, Inc. is a full-service construction company offering a wide range of services to meet the needs of clients. The project has accepted a Community Development Block Grant Mitigation Program (CDBG-MIT) with the State of Florida Department of Economic Opportunity (DEO) in the amount of \$2,710,000. The contract is exempt from Sections 2-80.20-2-80.40 of the Palm Beach County Code, the Equal Business Opportunity (“EBO”) program because it is funded by federal or state funds. The Project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 19-035R) District 6 (MWJ)

3. **Staff recommends motion to approve:** the Second Amendment to First Restated Interlocal Agreement (Second Amendment) between Palm Beach County (County) and Seacoast Utility Authority (Authority) for the Purchase and Sale of Bulk Potable Water and Wastewater Service. **SUMMARY:** The Second Amendment modifies Section 8.A and 8.B to reduce the wastewater volume calculation for the wastewater service provided to the Palm Beach Park of Commerce (Park of Commerce). The new volume calculation will be 45% of the volume of Potable Water delivered through the Park of Commerce master water meters. The wastewater commodity fee for all other points of connection through which the County provides wastewater to Authority shall remain at 79% of the volume of potable water delivered through each point of connection. The volume calculation applicable to wastewater service for Park of Commerce is due to high water usage within the Park of Commerce which is not returned to the County’s wastewater system for collection and treatment. The 45% calculation is based on actual wastewater return, which was measured using wastewater meters over a six month period, and projected flows. District 1 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

4. Staff recommends motion to approve:

- A) Interlocal Agreement (ILA) among the East Central Regional (ECR) Wastewater Treatment Facilities Operation Board (ECR Board), the City of West Palm Beach (City), and Palm Beach County for the Enhancement of the Reclaimed Water Facility (Enhanced Agreement);
- B) Work Order (WO) No. 3 to the Optimization and Improvements Design-Build (Contract) for the Phase 3 for the Design and Construction of the enhancements/improvements to the ECRWRF (Project) with Globaltech Inc., (Globaltech) in the amount of \$4,441,139; and
- C) a \$4,463,000 Budget Transfer in the Water Utilities FPL Reclaimed Water Replacement Fund (Fund 4015) from reserves to provide 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 (R2023-0086) with Globaltech, which had a start date of December 20, 2022. WO No. 3 provides for the design and construction of the enhancements/improvements to the ECRWRF chemical system by replacing the existing sodium hypochlorite generators, storage tanks and pumps to improve redundancy and reliability of the reclaimed water treatment process and to enhance safety for the operations and maintenance personnel, by providing additional walkway grating supports in identified locations. An ILA for the improvements/replacements for the Enhancement of the Reclaimed Water Facility (Enhancements Agreement) (R32-34) between the County, ECR Board and the City in which the ECR Board and the City granted the County that authority to perform enhancements/improvements to the ECRWRF facility. PBCWUD has received Project approval from FPL to perform the enhancements/improvements for the ECRWRF, which will be reimbursed by FPL. The 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 10 points for M/WBE participation and up to 5 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. 3 includes 12.32% SBE participation, which includes 3.82% MBE participation, 0.67% MBE (B), 0% MBE (H), and 3.14% MBE (A). The cumulative SBE participation including WO No. 3 is 10.88% SBE participation, which includes 5.01% MBE participation, 3.37% MBE (B), 0% MBE (H), and 1.64% MBE (A). Globaltech is a Palm Beach County based company. The Project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 22-010). District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) **adopt** a Resolution authorizing the Director of Environmental Resources Management to submit a grant application and serve as project manager for a Florida Fish and Wildlife Conservation Commission (FWC) Florida Boating Improvement Program (FBIP) grant to fund \$199,999 of construction costs for the Old Bridge Park Dock Replacement Project (Project) in the City of Lake Worth Beach; and

B) **authorize** the County Administrator, or designee, to execute the Grant Project Agreement (Agreement), to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, or terms and conditions of the Agreement, if the grant application is approved.

SUMMARY: The County will submit the grant application to FBIP requesting \$199,999 in funding for the construction of a fixed dock to replace a floating dock that was damaged and subsequently removed in 2021. The total cost of the Project is estimated at \$227,062.68. The County's share for the total cost of the Project is an estimated 12%, consisting of \$27,063.68 in pre-award contractual services for the design plans and contingency costs. If the grant application is approved, the County will be required to enter into a Grant Project Agreement with FWC. Districts 2 and 7 (SS)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: an executed Entertainment Contractor Agreement with Frank LoVerso in an amount of \$600 for the Whitestone concert at Canyon Amphitheater on January 20, 2024. **SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship was received for the Legends of the Lawn events from Nostalgic America to offset the expense of this concert at the Canyon Amphitheater. This Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. 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)

MARCH 12, 2024

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd.)

2. [Staff recommends motion to receive and file:](#) an executed Special Events Rental Agreement with Lights 4 Hope, Inc. in an amount of \$5,000 for the Lights 4 Hope Event at Okeeheelee Park, for the period October 27, 2023 through January 28, 2024. **SUMMARY:** This Special Events Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution R2021-1552. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. District 2 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve:

- A) agreement with the Palm Beach County Food Bank, Inc., a Florida non-profit corporation, authorized to do business in the State of Florida in their capacity to provide the Weekend Meal Program to children (18 and under) at Library branches from April 1, 2024 until December 31, 2028; and
- B) agreement to renew annually until either party terminates it at their will after the original term of 5 years has been fulfilled.

SUMMARY: This agreement will allow the Palm Beach County Food Bank, Inc. to offer the Weekend Meal Program at Library branches every Friday year-round to school-age children who do not have access to free school breakfast and lunch on Saturdays and Sundays. Each weekend meal will contain two breakfasts, two lunches, an individual dinner, two snacks, two drinks, and a family meal. The Palm Beach County Food Bank, Inc. will deliver Program meals on mutually agreed upon days/times. The Library System is responsible for receiving, safely storing, and distributing them to children at branch locations chosen based on the availability of funding with the hopes to expand the program throughout the System. Both parties will be involved in marketing the Weekend Meal Program through their websites, social media, and various other marketing materials. The Palm Beach County Library System has addressed hunger relief for County residents since 2017 through initiatives such as the summer lunch program (22,013 meals served in FY23), SNAP and ACCESS Florida benefit assistance (2,912 residents served in FY23), food drives, and CARES Act food assistance with partners like the School District, Palm Beach County Food Bank, Inc., United Way, as well as the Youth Services and Community Services departments. According to Feeding America, Map the Meal Gap, “more than 132,000 residents in Palm Beach County struggle with hunger; which 37,350 of these residents are children who do not have enough to eat on a daily basis.” There is no fiscal impact associated with this item. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. [Staff recommends motion to approve:](#) appointment of one (1) new member to the Criminal Justice Commission (CJC) for the period March 12, 2024 to December 31, 2026.

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Leontyne Brown	19	12/31/2026	Black Chamber of Commerce of Palm Beach County

SUMMARY: The mission of the CJC is to study all aspects of the criminal justice and crime prevention systems within the federal, state, county, municipal, and private agencies within the County. The CJC is comprised of 35 members: 18 public sector members representing local, state, and federal criminal justice and governmental agencies; and 17 private sector members representing the Economic Council, Clergy, the Black and Hispanic Chambers of Commerce, youth (17-22 years), returning citizen, crime survivor, and a community member. The Black Chamber of Commerce of Palm Beach County position is nominated by the Black Chamber of Commerce, and appointed by the Board of County Commissioners. The CJC currently has 28 seats filled and a diversity count of Caucasian: 16 (57%), African-American: 10 (36%), and Hispanic: 2 (7%). The gender ratio (female: male) is 11:17. The nominee is a Black female. Staff is addressing the need to increase diversity within our Board and will continue to encourage this to expand this Board's diversity. Countywide (HH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: Agreements for the installation, operation, and maintenance of the 9-1-1 emergency call handling system with the municipalities within Palm Beach County operating a primary Public Safety Answering Point (PSAP) on the County's Next Generation 9-1-1 network, for the period of January 1, 2024 through December 31, 2028 with three (3) one-year renewal options:

- | | |
|---------------------------|--------------------------------|
| 1. City of Atlantis, | 7. Town of Ocean Ridge, |
| 2. City of Boca Raton, | 8. Town of Palm Beach, |
| 3. City of Boynton Beach, | 9. City of Palm Beach Gardens, |
| 4. City of Delray Beach, | 10. Village of Palm Springs, |
| 5. Town of Lantana, | 11. City of Riviera Beach, and |
| 6. Town of Manalapan, | 12. City of West Palm Beach |

SUMMARY: The executed agreements replace the existing agreements for 9-1-1 equipment and maintenance. Currently, there are thirteen (13) primary PSAPs in Palm Beach County. Twelve (12) of the PSAPs are operated by municipalities. The remaining primary PSAP is operated by the Palm Beach County Sheriff's Office. The Public Safety Department's Division of 9-1-1 Program Services provides the 9-1-1 Call Handling System and Equipment to the PSAPs and is responsible for its maintenance. The agreement outlines the responsibilities of the County and municipalities to ensure the efficient operation of the system and equipment compliance with the Florida State E911 Plan. On March 14, 2023, the Board of County Commissioners approved the use of a standard template for these agreements and authorized the County Administrator or designee to execute these agreements on behalf of the Board of County Commissioners. Countywide (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

2. Staff recommends motion to approve: Memorandum of Agreement (MOA) with Palm Beach State College (PBSC) to formalize the coordination efforts for the delivery of forensic exams, advocacy, and trauma-informed services when responding to student and employee victims of sexual assault for a three (3) year term beginning March 12, 2024 which may be renewed for an additional two (2) year period with no financial obligations. **SUMMARY:** In 2016, Palm Beach County's Public Safety Department (PSD) entered into a three (3) year MOA with PBSC to work together to respond appropriately to students and employees who have been victimized (R2016-1813). The MOA formalizes the respective duties, responsibilities, policies, and procedures that will be undertaken by PBSC and PSD when providing crisis response, forensic examinations, advocacy, and trauma-informed services to students and faculty member victims of sexual assault. With specific directives imposed on educational institutions by federal legislation in handling sexual assault allegations and the unique environment of a campus community, this MOA establishes a coordinated and comprehensive response for victim services at the local level. The MOA addresses coordination efforts relating to notification, provision of service, logistical support, information and referral, participation in awareness and prevention activities, regular coordination through the Sexual Assault Response Team (SART), and confidentiality. Countywide (RS)

Z. RISK MANAGEMENT

1. Staff recommends motion to receive and file: First Amendment to Contract for Consulting/Professional Services (the Contract) by and between Palm Beach County and Diagnostic Centers of America, LLP, for the provision of certain medical services, exercising the first of two (2) one (1)-year renewal terms, with a not-to-exceed annual cost of \$15,000 for the term beginning January 1, 2024 through December 31, 2024. **SUMMARY:** The purpose of the Contract is to provide chest x-ray examination and evaluation services for prospective and current County and Palm Tran personnel as part of the County's occupational health and workers' compensation program. The Contract for medical services was exempt from the Purchasing Code and was executed by the Director of Purchasing. This First Amendment has been fully executed on behalf of the Board of County Commissioners by the Director of Purchasing, through delegated authority, and exercises the first of two (2) one (1)-year renewal terms. The attached executed First Amendment is submitted to be received and filed in accordance with County Policy #PPM-CW-O-051. Countywide (HH)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (cont'd.)

2. Staff recommends motion to receive and file: a Memorandum of Understanding (MOU) between Palm Beach County and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) for Driver's License and/or Motor Vehicle Record Data Exchange for the three (3)-year term beginning December 15, 2023 and ending December 14, 2026 (Contract No. HSMV-0394-24). Signature authority was delegated to the County Administrator through agenda item 3Z-1 approved on April 10, 2018. **SUMMARY:** The MOU for Driver's License and/or Motor Vehicle Record Data Exchange with FLHSMV allows the County, through its Risk Management Department, to continue to ensure only authorized drivers with valid licenses are allowed to operate County vehicles. This is to ensure the safety of County employees and the general public. The record data exchange provides an automated file from the State to the County on a weekly basis. The file contains information on each authorized driver including notification of an invalid license, and the reason why a license has been suspended or revoked. A new MOU is required by the State of Florida every three years as a condition of continuing the Driver's License and Motor Vehicle Record Data Exchange with the County under the provisions of the Driver's Privacy Protection Act (DPPA), 18 U.S.C. 2721, et seq., which protects the personal information contained within the files. The attached fully executed MOU is submitted to be received and filed in accordance with County Policy #PPM-CW-O-051. Countywide (HH)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (cont'd.)

3. Staff recommends motion to:

A) **approve** the renewal of the excess property, excess liability, excess workers' compensation insurance programs, and ancillary policies for the period April 1, 2024 through March 31, 2025, purchased under Contract No. 21-040DP through the County's contracted broker, Risk Management Associates, Inc. (aka Brown & Brown Public Sector), at a total cost not-to-exceed \$17,869,249; and

B) **delegate** to the County Administrator, or designee, signature authority to execute the current, and any future federal excise tax filings required for coverage bound through Bermuda based carriers.

SUMMARY: The projected 2024-2025 excess insurance program renewal premiums reflect a total not-to-exceed cost of \$17,869,249 which is an increase of approximately 9.98% over the expiring total premium of \$16,247,147. The insurance market has stabilized significantly over 2023 where we saw a 36% increase in overall premium. The increase this year is largely attributed to our ongoing five (5) year plan to reappraise all County properties. Proper valuations are essential to a successful property insurance program. These appraisals increased our Total Insured Values (TIV) from \$2.6 billion to \$2.97 billion. The County traditionally purchases coverage in accordance with industry recognized catastrophe modeling for a 100 year storm. Because of the TIV increase, the models now estimate our probable maximum loss at \$145 million instead of the expiring \$130 million. This \$15 million increase in recommended coverage is the primary driver for the premium increase. Risk Management, in conjunction with our Broker has aggressively marketed our program to over 130 global insurance companies to ensure we secured the best available rates. This included meeting (either in-person or virtually) directly with underwriters for approximately 30 separate property insurers. This allowed us to explain in detail what separates Palm Beach County from other risks they may insure. Discussions included our loss history, the quality of our building codes and structures, our commitment to capital improvements, and our comprehensive disaster management program. The insurance programs also include \$5 million of excess liability insurance, subject to a \$500,000 Self-Insured Retention (SIR). Excess workers' compensation insurance is included, and covers all costs in excess of \$2.25 million per occurrence. All state-mandated surcharges and assessments are included within the estimated renewal cost. Sufficient funds were budgeted and are available for this coverage. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$226,500 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff’s Office (PBSO). **SUMMARY:** Section 932.7055(5), Florida Statutes; provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. Section 932.7055(5), Florida Statutes; also requires that no less than 25% of the LETf’s previous year’s revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO’s FY 2024 donation requirement is \$279,292. The PBSO’s support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$676,500. The funds requested are to aid PBSO and qualified organizations that meet the requirements set forth in Section 932.7055(5), Florida Statutes. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$2,608,601. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,382,101. The PBSO certifies that the use of these funds is in accordance with Section 932.7055(5), Florida Statutes. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (RS)

ORGANIZATION	AMOUNT
Believer's Academy, Inc.	\$15,000
Best Foot Forward Foundation, Inc.	\$5,000
Big Dog Ranch Rescue, Inc.	\$100,000
Boys & Girls Clubs of Palm Beach County, Inc.	\$17,500
Center for Child Counseling, Inc.	\$15,000
Children's Case Management Organization, Inc.	\$9,000
Florida Outreach Center for the Blind, Inc.	\$5,000
Hands Together for Haitians, Inc.	\$10,000
Meals on Wheels of the Palm Beaches, Inc.	\$15,000
Palm Beach County PAL, Inc.	\$15,000
Palm Beach County Substance Abuse Coalition, Inc.	\$5,000
YMCA of the Palm Beaches, Inc.	\$15,000
Total Amount	\$226,500

* * * * *

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

A. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

A) **conduct** a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance of not to exceed \$125,000,000 in County Industrial Development Revenue Bonds (Provident Group – LU Properties II LLC – Lynn University Housing Project), Series 2024 (the Bonds) in one or more taxable or tax-exempt series which will fund a loan to Provident Group – LU Properties II LLC, (the Borrower), a Florida limited liability company whose sole member is Provident Resources Group Inc., a Georgia nonprofit corporation and a tax-exempt organization; and

B) **adopt** a Resolution (the “TEFRA Resolution”) of the Board of County Commissioners of Palm Beach County, Florida approving the issuance of the Tax-Exempt Revenue Bonds (Provident Group – LU Properties II LLC – Lynn University Housing Project), Series 2024 for purposes of Section 147(f) of the Internal Revenue Code in aggregate principal amount not to exceed \$125,000,000 in one or more series which series may include either taxable or tax-exempt bonds and may include either senior lien or subordinate lien bonds as separate series thereof.

SUMMARY: The Bonds will provide proceeds for the purpose of financing or reimbursing all or a portion of the cost of the (i) acquisition of an existing three-story student housing facility known as the Mary and Harold Perper Residence Hall with approximately 170 beds; (ii) design, development and construction of two, three-story student housing facilities with approximately 474 beds and related facilities and amenities (collectively, the "Project"), located within Palm Beach County, Florida and to be owned by the Borrower and managed by The Michaels Organization, LLC to house students matriculating at Lynn University, and (iii) capitalizing interest, funding one or more reserve accounts, and payment of costs of issuance of the Series 2024 Bonds. All facilities to be financed by the Bonds will be owned and operated by the Borrower. Prior to the issuance of any portion of the Bonds that will be tax-exempt, the Internal Revenue Code requires that the County hold a public hearing. **Neither the taxing power nor the faith and credit of the County, nor any County funds shall be pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 4 (DB)

MARCH 12, 2024

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

B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 90-16, AS AMENDED, THE “SURPLUS PROPERTY ORDINANCE”, BY AMENDING SECTION 7 - RECORDATION AND INVENTORY OF CERTAIN PROPERTY BY INCREASING THE CAPITALIZATION LEVEL FOR TANGIBLE PERSONAL PROPERTY ASSETS FROM \$1,000 TO \$5,000; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. **SUMMARY:** On February 6, 2024, the Board of County Commissioners approved the preliminary reading and permission to advertise for Public Hearing amending Ordinance No. 90-16, as amended, the “Surplus Property Ordinance” in accordance with Section 274.02, Florida Statutes which provides that the County shall establish the requirements for the recording of property and for the periodic review of property for inventory purposes. Currently, the Surplus Property Ordinance provides that tangible personal property, the value of which is \$1,000 or more and the normal expected life of which is one year or more, shall be marked, recorded and inventoried. Staff recommends amending the ordinance to increase the threshold for marking, recording, and tagging inventory to \$5,000, which is consistent with the State’s policy as applied to tangible personal property capitalization. Countywide (DB)

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

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

2. Staff recommends motion to approve:

- A) Resolution of the Board of County Commissioners of Palm Beach County, Florida Approving Fiscal Year 2024 Mid-Year Budget Amendments and Transfers; and
- B) Budget Amendments and Transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses. The total of the adjustments is an increase of \$195,746,774 in 173 funds.

SUMMARY: These Budget Amendments and Transfers are necessary to adjust FY 2024 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2023. These amendments adjust the balances brought forward, various revenue, expenditure, and reserve accounts to their audited balances. For the General Fund, this amendment results in an increased fund balance of \$51,201,692. This adjustment is a result of:

- \$20,872,311 net increase in revenues, excess fees and commission refunds from Constitutional Officers and Judicial: Sheriff's Office \$13,132,277, Clerk and Comptroller \$299,832, Supervisor of Elections \$2,556,988, Tax Collector \$3,117,261, Property Appraiser \$1,182,470, Judicial \$583,483;
- \$16,050,849 BCC department expenditures less than originally estimated and revenues higher than originally estimated;
- (\$4,274,519) in Ad Valorem Capital expenses higher than originally estimated and General Government and FAA expenses less than originally estimated; and
- \$17,887,894 in major and other revenues higher than estimated.

Based on Board Direction from the January 30, 2024 Budget Workshop, \$50 million has been placed in a reserve for allocation to capital funds. Staff will bring forward an agenda item to appropriate these reserves to projects as directed by the Board at a future Board meeting. The remainder of the proposed adjustments result in an increase of \$9,853,327 in General Fund reserves. Countywide (DB)

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

C. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, DIVISION 2, PART C OF THE PALM BEACH COUNTY CODE, (ORDINANCE 2018-021), PERTAINING TO THE EQUAL BUSINESS OPPORTUNITY PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROGRAM ADMINISTRATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**SUMMARY:** The Board of County Commissioners (BCC) approved the amended Equal Business Opportunity (EBO) Ordinance on preliminary reading on February 27, 2024 to include the modification of the definition of the current gross annual revenue size standards for small businesses under the EBO Program to align size standards with the current Consumer Price Index (CPI) criteria, the U.S. Small Business Administration and the current North American Industrial Classification System (NAICS) codes as follows: From \$9 million to \$13 million for Construction; from \$5 million to \$7 million for Professional Services (Consultants' Competitive Negotiation Act (CCNA) Required); from \$5 million to \$7 million for Goods; and from \$4 million to \$5.7 million for Professional Services (CCNA Not Required) and Other Services; and to modify Program Administration, Exceptions and Waivers, to permit small and minority, women-owned business enterprises (S/M/WBEs) performing on contracts with minimum mandatory Small Business Enterprise (SBE) goals to remain on contracts after the SBE graduates from the EBO Program. Countywide (RS)

* * * * *

5. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

A) **adopt** a Resolution of the Board of County Commissioners (“Board”) of Palm Beach County, Florida, providing for a referendum to be held on August 20, 2024, pursuant to Section §196.1995(1)(a) Florida Statutes, to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses under Section 3, Article VII of the State Constitution, to encourage economic development and establish new jobs; approving the ballot title, summary and question; authorizing a letter to transmit the ballot language to the Supervisor of Elections; and, providing for an effective date; and

Title: ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTIONS TO NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES

Ballot Summary: The Economic Ad Valorem Tax Exemption Program provides Palm Beach County with an additional economic development incentive tool to assist new and expanding businesses to make a positive economic impact on Palm Beach County’s economy with the expectation that these businesses will create new, full-time jobs in Palm Beach County. Shall the Board of County Commissioners of Palm Beach County be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses that are expected to create new, full-time jobs in Palm Beach County?

- Yes – For authority to grant exemptions.
 No – Against authority to grant exemptions.

B) **authorize** correspondence to transmit the ballot to the Supervisor of Elections (SOE) no later than May 17, 2024.

SUMMARY: On January 23, 2024, the Board approved a motion to direct staff to proceed with a voter referendum to reauthorize the Economic Development Ad Valorem Tax Exemption (AVTE) program. The current AVTE program was approved by referendum vote on November 6, 2012, and implemented by the BCC through adoption of Ordinance 2013-022, on October 22, 2013. The existing program will expire on August 31, 2024, by virtue of having reached the tenth year limitation pursuant to Section §196.1995, *Florida Statutes*. In order to reinstate the AVTE program, it is necessary to hold a new referendum on August 20, 2024. If approved by the voters, the AVTE program will take effect upon the expiration of the current program and subject to Board adoption of an implementing Ordinance. Countywide (DB)

5. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

2. Staff recommends motion to:

- A) **rescind** the American Rescue Plan Act (ARPA) Response Replacement Fund award of \$550,000 to Vita Nova, Inc.;
- B) **approve** a HOME American Rescue Plan (HOME-ARP) Program award of \$1,550,000 to Vita Nova, Inc.;
- C) **direct** staff to negotiate the Loan Agreement;
- D) **authorize** the County Administrator, or designee, to execute the Loan Agreement, amendments thereto, and all other documents necessary for project implementation that do not substantially change the scope of work, terms, or conditions of the award; and
- E) **approve** a Budget Transfer of \$550,000 in the ARPA Response Replacement Fund to rescind funds.

5. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

2. **SUMMARY:** On June 13, 2023 (Agenda Item 5B-1), the Board of County Commissioners awarded an ARPA Response Replacement Fund award of \$550,000 to Vita Nova, Inc. to construct Omega Apartments, a 12-unit rental development for young adults 18-24 years of age who are transitioning from the foster care system. While the Loan Agreement has not been executed, it will provide for a forgivable 50 year term. Staff recommends the award be rescinded and the \$550,000 of funding be included in a subsequent award to Vita Nova, Inc. under the HOME-ARP Housing Program for the Omega Apartments project. This action will best facilitate project implementation. On May 10, 2023, the Department of Housing and Economic Development (HED) issued a Notice of Funding Availability (NOFA) HED.2023.1 making up to \$7,891,211 in Federal HOME-ARP funding available for the development of multifamily rental housing, permanent supportive housing, and residential facilities to serve qualifying populations including the homeless; at-risk of homelessness; persons fleeing domestic violence, sexual assault or human trafficking; and those experiencing housing instability. This funding was made available to not-for-profit organizations, public agencies and for-profit housing developers. All projects must increase the local inventory of affordable housing units and/or residential facilities that serve qualifying populations. Applications were accepted on a first-come, first-eligible and first funded basis. Staff reviewed applications to ensure the projects met criteria for eligibility, responsiveness, and viability. Staff recommends funding in the amount of \$1,550,000 to Vita Nova, Inc. to construct Omega Apartments, a rental development to consist of 12 units to be located at 1330 Alpha Street, West Palm Beach. The total development cost is \$2.8M and includes a \$285,734 contribution from the City of West Palm Beach and \$750,000 from the U.S. Department of Housing and Urban Development (HUD). All 12 units will provide housing to young adults ages 18 to 24 who are transitioning from the foster care system and will bear affordability requirements of the HOME-ARP Program for no less than 50 years. The funding agreement and related documents pursuant to these HOME-ARP funds will be between the County and Vita Nova, Inc. (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator, or designee, to execute the Loan Agreement and related documents. **These are Federal HOME-ARP Program funds which do not require a local match.** District 2 (HJF)

5. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

3. Staff recommends motion to approve:

- A) two (2) new ad-valorem funded positions in the Department of Housing and Economic Development (DHED) to assist with the administration of housing programs;
- B) a Budget Transfer of \$104,032 from the General Fund Contingency Reserves to allocate funds for two new positions; and
- C) a Budget Amendment of \$104,032 in the Housing and Economic Development Fund to recognize the transfer from the General Fund.

SUMMARY: Over the past year, the volume of housing projects awarded County funding has significantly increased. DHED has issued Request for Proposals (RFP's) and Notice of Funding Availability (NOFA's) through the following funding sources: the American Rescue Plan Act (ARPA), Community Development Block Grant-Coronavirus (CDBG-CV), HOME Initiatives Partnership Program-American Rescue Plan Act (HOME-ARP) and the Infrastructure Sales Tax (IST) Program. Since the beginning of Fiscal Year 2022/2023 to date, over \$31M in funding has been made available. The projects awarded are making positive progress, and the positions are now necessary to ensure DHED maintains appropriate levels of service, while ensuring we effectively and efficiently carry out the fiscal and construction monitoring requirements of each of these projects. The two (2) new positions requested include a Financial Analyst 1 at a pay grade of 30, and a Project Manager at a pay grade of 49. The duties and responsibilities of these positions are necessary to carry out the fiscal and construction requirements of the aforementioned funding sources. DHED staff are funded primarily through Federal and State grants and use of those funds are limited to specific grant funded activities. Staff is requesting the positions be funded from the general fund budget. Contingent upon the Board's approval regarding the creation of the positions, a budget amendment to transfer funds from general fund contingency reserves into the Department of Housing and Economic Development budget is necessary. Countywide (HJF)

5. REGULAR AGENDA

A. HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)

4. [Staff recommends motion to receive and file:](#) the 2023 Crime Statistics Report for the Palm Beach County Urban High-Crime Job Tax Credit (UJTC) Program and the UJTC Re-ranking Status Letter/Program. **SUMMARY:** The UJTC Program is an incentive for eligible businesses located within one of the 13 State designated urban high-crime areas to create new jobs. Palm Beach County has participated in the UJTC Program since 1999, and is required by the Florida Legislature to triennially prepare and submit the Crime Statistics Report to the State for review. Utilizing 2022 crime data collected from the Sheriff's Office, Delray Police Department, Riviera Beach Police Department and West Palm Beach Police Department, the Department of Housing and Economic Development prepared the 2023 report, which was executed on September 1, 2023 by the County Administrator under authority delegated by Agenda Item 3I-4 of March 10, 2015, and provided to the Florida Department of Commerce. Upon review of the 2023 Crime Statistics Report, the State re-ranked the County UJTC as a Tier 1, allowing eligible businesses to receive State tax credits of \$1,500 to \$2,000 per qualified job. The ranking of the UJTC is prioritized based on the following criteria: Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances; Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; Highest percentage of reported index crimes that are violent in nature; Highest overall index crime volume for the area; and Highest overall index crime rate for the geographic area. This ranking became effective on January 1, 2024, and will remain in effect until December 31, 2026. Districts 2 & 7 (DB)

MARCH 12, 2024

5. REGULAR AGENDA

B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: A Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R-2021-1882, approving revisions to the Investment Policy, and providing for an effective date. **SUMMARY:** On February 7, 2024, the County Investment Policy Committee recommended that the County amend its Investment Policy to increase the cap on the potential investment in bonds, notes, or instruments backed by the full faith and credit of the government of Israel from 10% to 15%. The recommended revision is on page 10 of Exhibit A to the proposed Resolution. The Board's decision to increase its investment in those backed by the government of Israel must be based solely on pecuniary factors, consistent with Florida Statute § 218.415(24) Countywide (DB)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Second Amendment to Agreement with Connemara Association, Inc. (Connemara), a Florida not for profit corporation, extending the term for a period of twenty-five (25) years retroactively from February 23, 2024 through February 22, 2049, at an annual rental rate of \$55,000 commencing November 1, 2024. **SUMMARY:** On February 23, 1999, the Board of County Commissioners (Board) approved a 25-year Agreement with Connemara (R99-258-D), as amended (R2008-1308) (collectively, the Agreement), for rooftop space to support the operation of a County communication antenna and equipment shelter. On July 22, 2008, the Board approved a Use Agreement (R2008-1309) with the Palm Beach Sheriff's Office (PBSO) establishing PBSO's share of the rental rate for its equipment located on the premises. For the past twenty-five (25) years the County has leased rooftop space from Connemara to support the operation of the communication antenna. The removal and relocation of the existing equipment would cause a disruption to essential emergency services and would be cost prohibitive as a new location that meets the geographical and technical requirements for services would have to be found, and a tower constructed upon said site. Continuous use of the existing site would save the County an estimated \$4.2 million (exclusive of the additional cost of leasing or purchasing new property). Therefore, staff recommends that the current Agreement be extended. This Second Amendment i) extends the term for twenty-five (25) years retroactively from February 23, 2024 through February 22, 2049; ii) includes a Consent to Second Amendment to Connemara Agreement for the Use Agreement with PBSO; iii) revises the annual rent adjustment to be capped at 3%; and iv) updates Exhibit "A" Radio Equipment List. All other terms of the Agreement remain unchanged. The agreement will continue to be administered by the Facilities Development and Operations Department (FDO). The Annual Gross Rent for this Agreement is shared between PBSO at a rate of \$5,914.22 and FDO at a rate of \$41,517.34, for a total of \$47,431.56 through October 31, 2024. Commencing on November 1, 2024, the Annual Gross Rent will increase to \$55,000 to be shared between PBSO at (\$6,857.92) and FDO (\$48,142.08). (Property Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

2. Staff recommends motion to approve: an Interlocal Agreement with the Town of Hypoluxo (Town) for the purchase of approximately .36 acres of Town-owned property improved with a one-story 3,510 square foot building, located at 7200 S. Federal Highway, for the establishment and operation of a new Palm Beach County Library branch for \$1,625,000 plus recording costs estimated to be \$27.60. **SUMMARY:** On July 11, 2023, the Board authorized staff to negotiate with the Town the acquisition of a .36 acre parcel improved with a one-story 3,510 square foot building at 7200 S. Federal Highway in Hypoluxo (Property) for the establishment of the new Hypoluxo Library branch. The Town has agreed to convey the Property to the County by Statutory Warranty Deed. The Property and all its improvements will be purchased “as is”. In the event the County wishes to sell said Property during the first fifty (50) years after recording of the Statutory Warranty Deed, Town shall have the right of first refusal to purchase the Property at the current purchase price of \$1,625,000 plus value of the improvements. The Town shall have the option to repurchase the Property, in the event the County fails to commence design for the development of the new Hypoluxo Library branch within twelve (12) months from the recording of the Statutory Warranty Deed. The new Hypoluxo branch would operate as a satellite location of the existing Lantana Road Branch. The County will acquire the property at a purchase price of \$1,625,000 and bear all costs for capital improvements (estimated at \$3,000,000). The cost of equipping the new branch is estimated at \$440,000 and the estimated annual operating cost, which includes additional FTE positions is \$435,000. In November 2022, the Town obtained appraisals establishing an average market value for the property at \$1,625,000. In April 2023, staff obtained updated appraisals from Anderson & Carr, Inc. assigning a fair market value of \$1,700,000 and from M.R. Ford & Associates assigning a fair market value of \$1,670,000. The County will pay the recording costs estimated to be approximately \$27.60. This purchase is funded by the Library Expansion Program Fund. All items listed are currently allocated and budgeted. **This conveyance must be approved by a Supermajority Vote (5 Commissioners).** (Property & Real Estate Management) District 4 (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

3. Staff requests Board direction: Regarding the potential disposition of the County-owned property located at 429 Park Place, West Palm Beach. **SUMMARY:** Since the 1930s, the County has owned and operated a facility located at 429 Park Place, West Palm Beach (Property) for a variety of County light industrial functions including Road & Bridge warehouse, Purchasing warehouse, Facilities Management operations, and records storage of various County departments and constitutional offices. The 0.83 acre parcel has an approximately 11,500sq.ft. building that is currently being used as records warehouse by the Palm Beach County Clerk of the Circuit Court & Comptroller (Clerk). The County has two separate leases for use of parking spaces on the Property, one with the City of West Palm Beach (R2023-1169) and a second one with a private owner of an adjoining property (R2016-0990, as amended R2021-1151). Because of its proximity to the County's Downtown West Palm Beach facilities, the Property serves as an easily accessible operations support base. The Property is currently serving its intended purpose and there are no approved plans for its replacement and/or disposition. Other than routine maintenance, no dedicated funds are allocated towards the replacement and/or renovation of the Property. In the past years, the area surrounding the Property has seen a gradual transformation which has triggered numerous inquiries to staff as to the possibility of selling or swapping the Property. The two most recent of such inquiries are included as Attachment 2 to this agenda item. Staff requires direction from the Board of County Commissioners (Board) whether to explore the potential disposition of the Property. If the Board were to direct staff to proceed with disposition, staff notes that the same will need to be done in compliance with the County's Real Property Acquisition, Disposition and Leasing Ordinance (PREM Ordinance) will be required. If directed to explore disposition, be it through sale or swap, staff recommends that the same be pursued only if no fiscal and operational impacts result. That is, 1) that the sale proceeds are sufficient to acquire a replacement property of equal functionality and pay for all relocation costs, or 2) that the proposed replacement property (i.e., proposed swap) is of equal functionality, comparable value, and that the proponent bears all costs associated with relocating Clerk's operations. (Property Real Estate Management) District 2 (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

4. Staff requests Board direction: Regarding the master planning of the 45th Street Complex and the implementation of the capital improvement project for the replacement of the Community Services Department (CSD) building. **SUMMARY:** The current CSD building is located at 810 Datura St., West Palm Beach. Built in 1955, the 3-story, approximately 30,000 sq.ft. facility has reached the end of its useful life. As a result, its replacement was included as part of the Infrastructure Sales Tax (IST) project plan with funding appropriation in FY25 and FY26. The new CSD building is to be built on the County-owned 45th Street Complex (on the corner of Australian Avenue and 45th Street). The 45th Street Complex property is the site of the former County Home facility and was intentionally retained as a strategic holding to accommodate future programming. On August 31, 2021, while considering the possibility of entering into a Development and Conveyance Agreement (DCA) with the University of Florida (UF) for development of a Urban Campus on the County-owned real estate holdings commonly referred to as Government Hill and including the CSD building, the Board of County Commissioners (Board) directed staff to accelerate implementation of the CSD replacement building project (Project) and to master plan the entirety of the County-owned 45th Street Complex to provide for long-term development of approximately 300,000sq.ft of planned future office space displaced from Government Hill as a result of the DCA with UF. The direction provided by the Board was later reaffirmed on December 7, 2021, February 8, 2022 and August 23, 2022, via separate agenda items brought for consideration by the Board, all of them related to the DCA. On March 14, 2023, the Board approved a contract with Alfonso Hernandez Architects, LLC (AHA) for the provision of architectural/engineering professional services for the design and master planning of the Project. Per its conditions, the DCA automatically terminated on May 22, 2023 as UF did not issue the required Notice to Proceed in order for development to proceed. As of the termination date of the DCA, design and master planning efforts for the Project were underway. Staff and AHA have continued as per previously provided Board direction and completed programming, surveying efforts, and preliminary architectural products to inform development of a conceptual master plan. Attachment 3 to this agenda item graphically depicts current status of the conceptual master plan but for a +/-4-acre commitment of land area for the expansion of the Carver Canal at the southeast corner of the property to advance the IST funded Australian Avenue drainage improvement project in collaboration with the County's Engineering and Public Works department (EPW).

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

4. **SUMMARY (cont'd.):** On November 28, 2023, the Board held a workshop meeting which included a presentation on the County's approved 5-year CIP. During the workshop meeting, the Board directed staff to return with separate agenda items providing an overview of the completed designs being recommended for implementation. This agenda item seeks to fulfill Board direction. The Project is funded under the approved IST project plan with a total appropriation of \$26.26M. Encumbrances and expenses as of February 15, 2024 total \$2,367,953. **(FDO Admin)**
Districts 2 and 7 (MWJ)

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6. BOARD APPOINTMENTS

A. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: Appointment of two (2) members to the Zoning Commission (ZC) for the term of March 12, 2024 to February 2, 2027, to fill the vacancy for two (2) at-large seats, Seat #8 and Seat #9.

Nominees

Nominated By

Jess Sowards

Commissioner Bernard
Commissioner Baxter

or

James Williams

Commissioner Bernard

or

Susan Kennedy

Vice Mayor Marino

or

Rolando Barrero

Mayor Sachs

or

~~William Reichert~~

~~Commissioner Baxter~~

or

Jean Marie DaRocha

Commissioner Woodward

6. BOARD APPOINTMENTS

A. PLANNING, ZONING & BUILDING (cont'd.)

1. **SUMMARY:** The primary function of the Zoning Commission (ZC) is to take action on and make recommendations to the Board of County Commissioners (BCC) regarding proposed zoning applications and proposed revisions to the Unified Land Development Code (ULDC). The Zoning Division sent a memorandum to the BCC on February 5, 2024 requesting nominations. The ZC is comprised of nine (9) members, with each County Commissioner appointing one (1) member each and two (2) members appointed at-large by a majority vote of the BCC. The term of office is three (3) years and as of March 2, 2013 (R2013-0193), no person shall be appointed or reappointed for more than three (3) consecutive terms. Pursuant to ULDC Article 2.G.L.3, "consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, natural resource management, real estate, engineering, and related fields." Mr. Jess Sowards has completed one (1) term in ZC Seat #9, is available for re-appointment, and regarding attendance has attended all but one (1) out of the past twelve (12) ZC meetings. Mr. Jess Sowards has disclosed that he has an ownership position in Currie Sowards Aguila Architects, that contracts with the County for architectural services. The ZC provides no regulation, oversight, management or policy-setting recommendations regarding the subject contract. Disclosure of these contractual relationships at a duly notice public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. The ZC consists of nine members, with six (6) seats currently filled with a diversity count of: five (5) Caucasian (83%) and one (1) African-American (17%). Mr. Jess Sowards, Mr. James Williams and ~~Mr. William Reicherter~~ are Caucasian males, Mr. Rolando Barrero is a Hispanic-American male, Ms. Susan Kennedy and Ms. Jean Marie DaRocha are Caucasian females. Staff is addressing the need to increase diversity within our Board and will continue to encourage this to expand this Board's diversity. Countywide (SS)

B. COMMISSION DISTRICT APPOINTMENTS

MARCH 12, 2024

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 12, 2024

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

MARCH 12, 2024

9. ADJOURNMENT

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