

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 8, 2024

<u>PAGE</u>	<u>ITEM</u>	
11	3C3	<p>*REVISED SUMMARY / (ENG) / SUMMARY: The Board of County Commissioners (BCC) routinely approves professional service and construction contracts (Contracts) with firms on behalf of Palm Beach County (County). Occasionally, firms request assigning these Contracts to another firm when the original firm changes its name, is purchased by, or merges with, a new firm, or when any other transaction results in a change to the original firm's name. Adoption of this Resolution will allow the County Administrator or designee to approve Assignments as they are needed, as Contracts prohibit assignment without the County's consent. The delegation of authority is necessary to minimize the time to update any affected Contracts, and to pay invoices under the new name. <u>It often takes a firm several weeks and even months to submit the full name change request for the Engineering and Public Works Department (EPW) staff to begin the agenda process. In an effort to have contracted vendors paid as quickly as possible, EPW asks for special consideration to have these items reviewed by all divisions and departments as a rush item. in a timely manner, as the agenda process can delay a firm's payment for approximately 5-10 months, depending on when the firm informs the County of the transaction for the change. The County Administrator or designee always has the option of exercising the delegated authority. This process would allow the County to approve Assignments within a month or less, without affecting the workloads of other departments, placing the County's timeline more in line with that of the Florida Department of Transportation.</u> In accordance with PPM No. CW-O-051, all Assignments will be reviewed by the County Attorney's office prior to approval by the <u>designee delegate</u>, and submitted by the initiating department to the BCC as a receive and file consent agenda no later than 90 days after approval. <u>Countywide</u> (YBH)</p>
41	4A	<p>*DELETED – moved to a later date (D5/LOGGERHEAD)</p>
41	4K	<p>*DELETED – moved to 12/3/24 BCC (D6/PBSO)</p>
41	4O	<p>*ADD-ON – moved from off-site to in Chambers (D7/Gullah-Geechee Cultural Heritage Month)</p>
44	5C1	<p>*REVISED MOTION / TITLE / SUMMARY / (PSD) / Staff recommends motion to:</p> <p>A) approve on preliminary reading and permission to advertise for public hearing on October 22, 2024 at 9:30am: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 {EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE}; AMENDING SECTION 13-22 {APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)} RELATING TO A PROCESS TO ALLOW AN ADDITIONAL SECONDARY PROVIDER APPLICATION PERIOD AND COPCNS, INCLUDING UPDATING APPLICATION REQUIREMENTS; PROVIDING FOR RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE; and</p> <p>B) receive and file Business Impact Estimate (BIE) of the proposed Ordinance to amend the <u>Emergency Medical Services (EMS)</u> Ordinance.</p>

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

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OCTOBER 8, 2024

<u>PAGE</u>	<u>ITEM</u>	
44	5C1	<p>*SUMMARY: At the June 15, 2021 Board of County Commissioners (BCC) meeting, Secondary Service Provider Certificates of Public Convenience and Necessity (COPCNs) were issued to the following three (3) companies: Atlantic/Palm Beach Ambulance, Inc. d/b/a American Medical Response (AMR), Medics Ambulance Service, Inc. (Medics), and Health Care District of Palm Beach County. These companies were approved to provide secondary Advanced Life Support (ALS) Transport Services and ALS/Basic Life Support (BLS) Inter-facility Transport Services in Palm Beach County from July 1, 2021 through June 30, 2027. During that same meeting, the BCC identified a need to be able to request that, within three (3) years from the COPCN start date of July 1, 2021, a review be conducted to determine if there was a public safety need for additional Secondary Providers in Palm Beach County. At the May 7, 2024 BCC meeting, staff were directed to present an update on EMS Ordinance, specifically on the Secondary COPCN process. On August 27, 2024, staff provided this update, and the BCC directed staff to expeditiously prepare a proposed amendment to the EMS Ordinance. The amendment will establish a process for opening an additional Secondary Provider COPCN application period if there is a public safety need to add additional Secondary Providers, and allow for the issuance of additional Secondary Provider COPCNs, prior to the end of the current six (6) year term outlined in the EMS Ordinance. Currently, Secondary Provider COPCN applications are issued every six (6) years for a six (6) year term, with the current term set to expire on June 30, 2027. The proposed revisions to the EMS Ordinance would update some application criteria and provide that the term of any COPCNs issued to additional Secondary Providers under this new process would end at the same time as the current Secondary Provider COPCNs under the regular six (6) year term. At the September 19, 2024 EMS Advisory Council meeting, the EMS Advisory Council reviewed and recommended approval of the EMS Ordinance revisions. The proposed amendment to the EMS Ordinance was presented to the League of Cities on September 25, 2024. Section 125.66(3)(a), Florida Statutes requires the County to prepare a BIE before enacting an ordinance and to post the same on the County's website no later than the date the notice of the proposed enactment is published. Included as Attachment 2 to this agenda item is the BIE required pursuant to Section 125.66(3)(a), Florida Statutes. <u>Countywide</u> (SB)</p>

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

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PAGE ITEM

47 5D2 ***ADD – ON / (FDO) / Staff recommends motion to:**

A) receive and file Staff’s report regarding the status of the negotiations with Vanderbilt University (VU) towards the execution of a Development and Conveyance Agreement (DCA) for the development of an educational campus which will include approximately 5.03 acres of County-owned property (Properties) located in the City of West Palm Beach; and

B) authorize staff to revoke the License Agreement for the Use of County-owned Property (License Agreement)(R2023-0359 and R2023-0360) granted to Transit Village, LLC for the use of a portion of the Properties.

SUMMARY: On July 17, 2024, the Board of County Commissioners (BCC) directed staff to meet with VU representatives and to coordinate a presentation by VU representatives to be given during the August 20, 2024 BCC regular meeting. Staff met with VU representatives on July 24, 2024 and coordinated the presentation as directed. On August 20, 2024, representatives from Vanderbilt University provided the BCC a presentation entitled *Vanderbilt in Palm Beach County* as supported by an economic impact study (prepared by TXP, Inc. for VU) entitled *The Potential Economic Impact of Vanderbilt University in West Palm Beach*. Following the presentation by VU and discussion by the BCC, staff was directed to negotiate the potential conveyance of the Properties (located on Government Hill) for the planning, development, design, permitting, construction, operation and maintenance of an educational campus by VU in the form of a final agreement to be considered by the BCC during its October 8, 2024 regular meeting. In negotiating a DCA, the BCC directed staff to use as the base document the agreement previously executed with University of Florida (UF) for a similar purpose (R2022-0891). Staff was further directed to provide a report on the status of the negotiations with VU to the BCC during its September 17, 2024 regular meeting. Staff proceeded as directed and on August 29, 2024 delivered to VU a first draft of a proposed DCA. Although based on the UF DCA, the proposed first draft reflected modifications resulting from: 1) the inherent differences between UF and VU (i.e., the former is a public entity, the latter is private), 2) the statutory provisions controlling the corresponding DCA (i.e., Section 125.38, Florida Statutes for UF and Section 125.045, Florida Statutes for VU), and 3) the direction provided by the BCC during its August 20, 2024 regular meeting. On September 17, 2024, staff provided the BCC a report on the status of negotiations and, jointly with VU representatives, reported that additional time was needed to successfully achieve a DCA that could be considered by the BCC. As such, staff was authorized to work towards submission of the final DCA for consideration by the BCC during its October 22, 2024 regular meeting, and directed to provide an update regarding the status of negotiations during the October 8, 2024 regular meeting. On December 2, 2022, following BCC direction, staff executed the License Agreement granting to Transit Village LLC (TV) use of a portion of the Properties for temporary storage, construction activities and temporary parking, in connection with the Agreement for Purchase and Sale (PSA) as amended (R2012-1158, R2018-0956, R2020-0517, and R2021-1587) entered between TV and the County for the development of the Wedge Property.

October 8, 2024
8:00 am

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

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47	5D2	*ADD – ON / (FDO) / SUMMARY (cont'd.): To enter into a DCA with VU, the Properties must be free from encumbrances, licenses and/or obligations. In March 2024, TV sued the County requesting specific performance under the PSA; litigation remains active. On August 22, 2024, TV sent a letter to staff notifying of its willingness to work with the County and VU to incorporate the License Agreement into a DCA with VU. Given the active litigation between the County and TV, the timeline for development of the Wedge Property is uncertain, and staff's ability to simultaneously engage with TV and VU is limited by the constraints resulting from the legal proceedings. Therefore, if the BCC wishes to pursue a DCA with VU, staff recommends it be authorized to revoke the License Agreement. <u>Countywide/District 2</u> (HJF)

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**

OCTOBER 8, 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 8 - 40)**

- 4. SPECIAL PRESENTATIONS (Page 41)**

- 5. REGULAR AGENDA (Pages 42 - 46)**

- 6. BOARD APPOINTMENTS (Page 47)**

- 7. STAFF COMMENTS (Page 48)**

- 8. BCC COMMENTS (Page 49)**

- 9. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 50)**

- 10. ADJOURNMENT (Page 51)**

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- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

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- 3C-1 Title VI / Nondiscrimination Policy Statement and Assurance Form for FDOT.

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- 3C-2 Contract with Russo Site Development, Inc. for the construction of Cherry Road Sidewalk and Pedestrian Lighting.

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- 3C-3 Resolution to approve assignment assumption and consent agreements that allow professional service contracts to be assigned to another firm.

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- 3C-4 Work Order 2023055-263 with Hinterland Group, Inc. for storm drainage repairs on Garden Road.

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- 3C-5 Resolution approving a County Deed to convey right-of-way designation.

F. AIRPORTS

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- 3F-1 FAA Grant Agreements for Airport Improvement Program for the North County project, the Lantana project and the Pahokee project.

Page 15

- 3F-2 First Amendment to Common Use Airport Lounge Concession Agreement with Gideon Toal Management Services, LLC, for an extension of the agreement.

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- 3F-3 Amended and Restated Development Site Lease Agreement with Airport Logistics Park, LLC of additional unimproved land west of PBI.

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H. FACILITIES DEVELOPMENT & OPERATIONS

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3H-1 First Amendment in favor of South Florida Regional Transportation Authority to allow temporary use of a portion of the County's Intermodal Transit Center as construction staging site.

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3H-2 Work Order No. 24-025 with Andrea Construction, Inc. for PBSO Headquarters-Parking Lot Security project.

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3H-3 An increase to the maximum cumulative value for the annual heating, ventilation and a/c contract, and approve an annual contract with Aquarius Air Conditioning & Refrigeration, Inc.

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3H-4 First Amendment with the Village of Wellington and St. Lucie County to extend the term of the agreement for interoperable communications through countywide common talk groups.

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3H-5 First Amendment with the Solid Waste Authority of Palm Beach County to extend the term of the agreement for interoperable communications through countywide common talk groups.

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3H-6 Work Order No. 24-014 with Cedars Electro-Mechanical, Inc. for the PBSO Cherry Road – Roof Top Units Replacement project.

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3H-7 First Amendment with Friends of Mounts Botanical Garden, Inc. to extend the term of the agreement for the development of a new Master Plan.

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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3L-1 FDEP 20-year term Florida Greenways and Trails System Designation Agreement on a portion of Lake Park Scrub Natural Area.

3L-2 Project Agreement Amendment to FIND Project for the Providencia Cay Habitat Restoration to extend the term.

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- 3L-3 Temporary Construction Easement Agreement with the Town of Palm Beach Shores to access, stage equipment and conduct permitted activities within Lake Worth Lagoon on County Property.

U. INFORMATION SYSTEMS SERVICES

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- 3U-1 Fully executed AT&T Switched Ethernet Service Pricing Schedule and AT&T ILEC Intrastate Pricing Schedule.

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- 3U-2 Amendment No. 1 with Surdex Corporation to exercise first renewal option; Amendment No. 1 with GPI Geospatial, Inc. to exercise first renewal option; and Amendment No. 1 with Woolpert, Inc. to exercise first renewal option for digital orthophotography and planimetric mapping services.

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- 3X-1 First Amendment in the area of veterinary and medical services with Barky Pines Animal Rescue & Sanctuary, Inc.

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- 3X-2 Appointment of one (1) member to the Emergency Medical Services Advisory Council.

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3CC-1 Grant Award from FDOE to continue PBSO’s Safe Schools Security Guard Training Program.

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3CC-3 Modification #5 to Sub-Grant Agreement to extend the period of performance of the FY 2021 State Homeland Security Grant Program.

3CC-4 Modification #2 to the FY 2022 UASI MOA to extend the grant period.

DD. TOURIST DEVELOPMENT COUNCIL

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3DD-1 Agreement with Cultural Council of Palm Beach County, Inc. to award and administer grants to community-based, non-profit cultural organizations for Category C-I projects.

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3EE-1 Agreement with UF to provide event planning services for PBC to host the Southeast Florida Regional Climate Change Compact’s 2025 Climate Leadership Summit.

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- 4E Eda and Cliff Viner Community Scholars Foundation Day
- 4F Dr. Ron Giddens recognition on 44 Years of Service to Library Advisory Board
- 4G National 4-H Week
- 4H Mobility Week
- 4I Mayor Fred Pinto Day
- 4J Oktoberfest
- ~~4K PBSD Street Crimes Unit Agents~~
- 4L Recognition for Samuel Pierre
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- 4N Recognition for Marie Ketelie Seide
- 4O Gullah-Geechee Cultural Heritage Month

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- 5B-1 Change Order No. 6 with The Morganti Group, Inc. for the Terminal Roof Improvements project at PBI.

C. PUBLIC SAFETY

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- 5C-1 EMS Ordinance amending the County Code to establish a process for opening an additional Secondary Provider COPCN prior to the end of the current six (6) year term as outlined.

D. FACILITIES DEVELOPMENT & OPERATIONS

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- 5D-1 Purchase of vacant land in Pal-Mar.

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6B1 District Board Appointments

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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 50)

ADJOURNMENT (Page 51)

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>
August 27, 2024	Workshop
August 28, 2024	Comp Plan
September 10, 2024	Regular
September 10, 2024	Budget

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

4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during August 2024. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

- A) **approve** a Title VI / Nondiscrimination Policy Statement for the Engineering and Public Works Department;
- B) **approve** the Title VI / Nondiscrimination Assurance Form with the Florida Department of Transportation (FDOT); and
- C) **adopt** a Resolution delegating to the County Administrator or designee the authority to sign additional forms, certifications, contracts/agreements, amendments, and any other documents related to the Local Agency Program (LAP) certification and Title VI Nondiscrimination Assurance Form with the FDOT, all of which do not substantially change the scope of work, terms, or conditions of either document.

SUMMARY: Title VI of the Civil Rights Act prohibits discrimination in programs and activities that receive federal financial assistance. The Engineering and Public Works Department (EPW) routinely receives federal grants for transportation projects. These grants are overseen by FDOT's LAP. Federally funded grants administered by FDOT require that Palm Beach County (County) maintain its LAP certification. LAP certification requires that the County periodically renews the Title VI Nondiscrimination Assurance Form. To become LAP certified, the County must provide documentation to FDOT showing its ability to comply with all federal requirements related to grants. These federal requirements include providing the Title VI Nondiscrimination Assurance Form, staff qualifications, and policies and procedures relating to project management, contract solicitation, and construction administration. Approval of the Title VI Policy Statement and Nondiscrimination Assurance Form will allow the County to finalize its LAP certification with FDOT and continue to receive federal grants through the LAP. Adoption of the Resolution will delegate to the County Administrator or designee the authority to sign additional forms, certifications, contracts/agreements, amendments, and any other documents related to LAP certification with FDOT or the Title VI Nondiscrimination Assurance Form, all of which do not substantially change the scope of work, terms, or conditions of either the certification or the form. In accordance with PPM No. CW-O-051, all documents will be reviewed by the County Attorney's office prior to approval by the delegate, and submitted by the initiating department to the Board of County Commissioners (BCC) as a receive and file consent agenda item no later than 90 days after approval. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve:

A) a contract with Rosso Site Development, Inc. (RSD) in the amount of \$1,208,819.04 with contract time of 240 calendar days for the construction of the Cherry Road Sidewalk and Pedestrian Lighting, from Military Trail to Quail Drive (Project); and

B) a Budget Amendment of \$449,583 in the Capital Outlay Fund to recognize Local Agency Program (LAP) grant agreement funding from the Florida Department of Transportation (FDOT), and reimbursement funding from the Westgate Belvedere Homes Community Redevelopment Agency (CRA) and appropriate it to the Project.

SUMMARY: Approval of this contract will authorize the construction services necessary to install sidewalks and pedestrian lighting for the Project. Because this Project is funded by a federal grant (R2024-0130) through the FDOT LAP, the Equal Business Opportunity Ordinance is not applicable. The CRA and Palm Beach County (County) entered into an Interlocal Agreement (R2024-0131) whereby the CRA is responsible for all costs above the grant amount and maintenance of the improvements after the Project is complete. The Code of Federal Domestic Assistance number for federal grant R2024-0130 is 20.205 Highway Planning and Construction. Bids for the contract were received by the Engineering and Public Works Department (EPW) on July 12, 2024. Approval of the Budget Amendment will recognize the reimbursement funding from the FDOT and the CRA. RSD was the lowest responsive bidder of two bidders. The contract time for the Project is 240 calendar days. RSD has an office located in the County. Districts 2&7 (YBH)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to adopt: a Resolution delegating to the County Administrator or designee the authority to approve assignment assumption and consent agreements (Assignments) that allow professional service contracts and construction contracts to be assigned to another firm. **SUMMARY:** The Board of County Commissioners (BCC) routinely approves professional service and construction contracts (Contracts) with firms on behalf of Palm Beach County (County). Occasionally, firms request assigning these Contracts to another firm when the original firm changes its name, is purchased by, or merges with, a new firm, or when any other transaction results in a change to the original firm's name. Adoption of this Resolution will allow the County Administrator or designee to approve Assignments as they are needed, as Contracts prohibit assignment without the County's consent. The delegation of authority is necessary to minimize the time to update any affected Contracts, and to pay invoices under the new name. It often takes a firm several weeks and even months to submit the full name change request for the Engineering and Public Works Department (EPW) staff to begin the agenda process. In an effort to have contracted vendors paid as quickly as possible, EPW asks for special consideration to have these items reviewed by all divisions and departments as a rush item. in a timely manner, as the agenda process can delay a firm's payment for approximately 5-10 months, depending on when the firm informs the County of the transaction for the change. The County Administrator or designee always has the option of exercising the delegated authority. This process would allow the County to approve Assignments within a month or less, without affecting the workloads of other departments, placing the County's timeline more in line with that of the Florida Department of Transportation. In accordance with PPM No. CW-O-051, all Assignments will be reviewed by the County Attorney's office prior to approval by the designee ~~delegate~~, and submitted by the initiating department to the BCC as a receive and file consent agenda no later than 90 days after approval. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: Work Order 2023055-26 in the amount of \$716,000 for storm drainage repairs on Garden Road at the EPB-6 Canal utilizing the County's annual Drainage Improvements/Repairs and Minor Construction Continuing Services Contract (Contract) with Hinterland Group, Inc. (Hinterland). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the storm drainage repairs as part of resurfacing Garden Road from Bee Line Highway to Investment Lane (Project). The proposed work consists of the placement of cured-in-place pipe lining to repair the integrity of the existing storm drainage pipe system at the EPB-6 Canal. The proposed work is needed prior to completing the Project. This Contract is one (1) of two (2) contracts with an available cumulative total of \$12 million for the drainage improvements/repairs program. Prior to this meeting date, approximately \$84,000 of the \$12 million Hinterland Contract that was approved on March 05, 2024 by the BCC, has been spent or encumbered. This Contract was presented to the Goal Setting Committee on August 16, 2023 and the Committee established an Affirmative Procurement Initiative (API) of a 15% minimum mandatory Small Business Enterprise (SBE) participation. Hinterland agreed to 19.06% SBE participation for the Contract and the proposed SBE participation for this work order is 0%. To date, the overall SBE participation achieved on this Contract is 0%. Hinterland expects to meet their agreed to SBE participation before the end of the contract. **This project is funded by the infrastructure sales tax. District 7 (YBH)**

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to:

A) adopt a Resolution approving a County Deed to convey right-of-way designated as R/W Parcel 101 to the Town of Loxahatchee Groves (Town) for maintenance of E Road and the E Road Canal; and

B) approve a County Deed to convey R/W Parcel 101 to the Town.

SUMMARY: Adoption of the Resolution and approval of the County Deed will convey right-of-way designated as R/W Parcel 101 to the Town. R/W Parcel 101, located on E Road south of Okeechobee Boulevard, is necessary for the Town to maintain the E Road Canal and E Road. R/W Parcel 101 was previously conveyed to Palm Beach County (County) by the adjacent property owner as a condition of development of the site at no cost, as recorded in Official Records Book 18146, page 1254. The County has no need to retain ownership of R/W Parcel 101. Per Section 270.11, Florida Statutes, the Town requests that R/W Parcel 101 be conveyed to them without reserving phosphate, minerals, metal and petroleum rights. **In accordance with Palm Beach County ordinance (2019-038), a supermajority (5 votes) is required by the Board of County Commissioners (BCC) for all transfers of real property that requires BCC approval.** District 6 (YBH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

- A) **receive and file** Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0113-024-2024 with an effective date of August 19, 2024, and an expiration date of August 18, 2028, in the amount of \$422,641 for the Reconstruct Airport Rotating Beacon and Reseal/Resurface Runway Pavement 9R/27L projects at North Palm Beach County General Aviation Airport (North County Airport);
- B) **receive and file** FAA Grant Agreement Number 3-12-0086-023-2024 with an effective date of August 19, 2024, and an expiration date of August 18, 2028, in the amount of \$53,545 for the Replace Airport Rotating Beacon Design project at Palm Beach County Park Airport (Lantana Airport);
- C) **receive and file** FAA Grant Agreement Number 3-12-0060-013-2024 with an effective date of August 19, 2024, and an expiration date of August 18, 2028, in the amount of \$77,986 for the Rehabilitate Access Road, Rehabilitate Parking Lot, Reseal Apron Pavement, Reseal Taxiway Pavement Design project at Palm Beach County Glades Airport (Pahokee Airport); and
- D) **approve** a Budget Amendment of \$554,172 in the Airport's Improvement & Development Fund, including a transfer to Reserves in the amount of \$476,186.

SUMMARY: The FAA has issued Grant Offers (Assistance Listing Number 20.106) for Airport Improvement Program Grant Agreement Numbers 3-12-0113-024-2024 (North County Grant), 3-12-0086-023-2024 (Lantana Grant), and 3-12-0060-013-2024 (Pahokee Grant), reflecting its commitment of funding in the amount of \$422,641 for the North County Grant, \$53,545 for the Lantana Grant, and \$77,986 for the Pahokee Grant. **The FAA Grants require a local match based on 10% of the total estimated project costs. A local match in the amount of \$46,960.12 is required for the North County Grant. A local match in the amount of \$5,949.45 is required for the Lantana Grant. A local match in the amount of \$8,665.12 is required for the Pahokee Grant.** The North County Grant will fund the reconstruction of the rotating beacon and design of a pavement surface treatment for Runway 9R/27L at the North County Airport. The Lantana Grant will fund the design for the replacement and relocation of the rotating beacon at the Lantana Airport. The Pahokee Grant will fund the design for the rehabilitation of the access road and parking lot and pavement surface treatments for the aircraft parking apron and taxiway at the Pahokee Airport. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

2. Staff recommends motion to approve: First Amendment (Amendment) to Common Use Airport Lounge Concession Agreement at the Palm Beach International Airport (PBI) (R2018-1360) (Agreement) with Gideon Toal Management Services, LLC, a Texas limited liability company (GTMS); providing for extension of the Agreement from November 1, 2024 to April 30, 2026, subject to the County's right to terminate for convenience; providing for the short-term use of space by GTMS pursuant to a facilities use permit; updating reporting requirements under the Agreement; updating County boilerplate provisions in the Agreement; and providing for payment of concession fees equal to 14% of gross revenues, excluding alcohol sales, and 20% of gross revenues from alcohol sales. **SUMMARY:** The Agreement provides for the development, operation, management and maintenance of a first-class common use airport lounge at PBI. The term of the Agreement expires on October 31, 2024, with no option to renew. At the time the Agreement was approved, it was anticipated that the lounge space would be displaced by construction of a corridor to facilitate the connection of Concourses A/B with Concourse C (Connector Project) at the PBI terminal. Construction has been delayed as a result of the COVID-19 pandemic, escalating costs resulting from supply chain shortages and other factors, and it is currently anticipated that the lounge space will not be impacted until at least April 30, 2026. In order to provide for uninterrupted service to PBI's passengers, the Department of Airports recommends the short-term extension of the Agreement to April 30, 2026. The Amendment provides the County with the right to terminate the Agreement for convenience without compensation to GTMS upon 60 days' prior written notice if the lounge space is needed to facilitate the construction of the Connector Project. During the extended term, GTMS will pay concession fees equal to 14% of gross revenues, excluding alcohol sales, and 20% of gross revenues from alcohol sales. The Amendment adds a provision allowing GTMS to request the short-term use of space in connection with its operations at PBI pursuant to a facilities use permit, subject to payment of applicable license fees for use of the space. The Amendment updates reporting requirements and adds a provision allowing for liquidated damages for failing to provide audits and Airport Concession Disadvantaged Business Enterprise (ACDBE) participation reports in a timely manner. In addition, the Amendment updates standard boilerplate provisions pertaining to non-discrimination and scrutinized companies, and adds new provisions for a human trafficking affidavit and disclosure of foreign gifts, which are both required by recent Florida legislation. GTMS is an ACDBE-certified firm and achieves 100% ACDBE participation under the Agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. Staff recommends motion to:

- A) **approve** Amended and Restated Development Site Lease Agreement (Amended Lease) with Airport Logistics Park, LLC, a Florida limited liability company (ALP), amending and restating a Development Site Lease Agreement (R2019-0300, as amended) (Original Lease), providing for the lease of approximately 279,961 square feet (+/-6.43 acres) of additional unimproved land (Phase 3) west of the Palm Beach International Airport (PBI); providing for construction of 90,998 square feet of industrial warehouse and distribution facilities for a minimum capital investment of \$13,750,000 (Phase 3 Project); modifying the term to expire 50 years from the date of beneficial occupancy of the Phase 3 Project; and providing for payment of additional annual rental in the amount of \$279,961; and
- B) **authorize** the County Administrator or designee, who in this case will be the Department of Airports (Department) Director, to execute, on behalf of County, the Owner's Affidavit, Memorandum of Lease and Ground Lessor's Estoppel in the form attached to the Amended Lease; all applications and similar instruments required to obtain necessary governmental approvals for the development of the property; and an amendment to the Amended Lease to reflect the final legal description based on site plan approval for the Phase 3 Project.

SUMMARY: Under the Original Lease, the County leased approximately 1,780,330 square feet (+/-40.87 acres) of unimproved land located north of Wallis Road, west of PBI to ALP for the development and operation of industrial warehouse space in two (2) phases for an initial term of 50 years. The Amended Lease adds approximately 279,961 square feet (+/-6.43 acres) of unimproved land at the southeast corner of Wallis Road and Haverhill Road to ALP's leasehold for the construction of the Phase 3 Project, increasing the total square footage of ALP's leasehold to approximately 2,060,291 square feet (+/-47.30 acres). ALP currently pays \$1,034,510.40 in annual rental for the first two (2) phases. ALP will pay additional ground rental of \$279,961, commencing upon beneficial occupancy of the Phase 3 Project. The term of the Amended Lease will expire 50 years from completion of the Phase 3 Project, or 24 months from approval of this item, whichever occurs first. Rental will be adjusted every three (3) years, commencing October 1, 2025, subject to a cap based on the consumer price index, with periodic appraisal only adjustments.

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. **SUMMARY (cont'd.):** The minimum capital investment for the Phase 3 Project is \$13,750,000. Construction of the Phase 3 Project must be completed within 24 months following approval of the Amended Lease. It is anticipated a right-of-way dedication of approximately 800 square feet of ALP's leasehold may be required for the development of the Phase 3 Project, which will be subject to the approval of the Federal Aviation Administration and Board of County Commissioners. If required, the area will be removed from ALP's leasehold, and rental will be adjusted. The Amended Lease requires the County to deliver an Owner's Affidavit, Memorandum of Lease and Ground Lessor's Estoppel for title and financing purposes. The Department is requesting delegation of authority to the County Administrator or designee (i.e., the Department Director), to sign documents required by the Amended Lease for title and financing purposes; all applications and similar instruments required to obtain necessary governmental approvals for development; and an amendment to the Amended Lease to reflect the final legal description based on site plan approval for the Phase 3 Project. Countywide (HJF)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to receive and file: Annual Report for the Fiscal Year ending September 30, 2023 from the Lake Worth Beach Community Redevelopment Agency (LWB CRA). **SUMMARY:** The LWB CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.387(8), Florida Statutes. Countywide (DB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to receive and file:** a First Amendment to the Amended and Restated Temporary Construction Easement (First Amendment) 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 (located at 134 Clearwater Drive, West Palm Beach) as a construction staging site, while SFRTA makes renovations to its pedestrian bridge. **SUMMARY:** On March 12, 2024 (R2024-0296), the Board of County Commissioners (BCC) received and filed a Temporary Construction Easement (TCE) in favor of SFRTA granting SFRTA the right 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. Said TCE was for a term of ninety (90) days and was set to expire on May 15, 2024. On August 20, 2024, the BCC received and filed an Amended and Restated Temporary Construction Easement (R2024-0931) (Amended Easement), which provided an additional ninety (90) days for SFRTA to complete the improvements. The extended term expired on August 5, 2024. SFRTA has requested additional time to complete the improvements. The proposed First Amendment retroactively extends the Term through January 29, 2025. All other terms of the Amended Easement remain the same. 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 First Amendment has been fully executed on behalf of the BCC by the County Administrator's designee, who in this case was the Director of the Facilities Development and Operations Department. The standard form Temporary Construction Easement was approved by the BCC on July 1, 2014. The executed First Amendment is now being submitted to the BCC 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.)

2. Staff recommends motion to approve: Work Order No. 24-025 (Work Order) to the annual minor construction services contract (R2020-0143) with Andrea Construction, Inc. (Contractor) in the amount of \$628,410 for the Palm Beach Sheriff's Office (PBSO) Headquarters-Parking Lot Security project for a period of 180 calendar days from notice to proceed. **SUMMARY:** The project consists of the conversion of the existing north asphalt parking lot to a secured parking area by adding security fencing, closed circuit television (CCTV) and an access control system with gates directly adjacent to the newly renovated PBSO Headquarters Facility. The Work Order authorizes the construction services necessary to furnish all labor, equipment, devices, tools, materials, transportation, professional services, supervision, drawings, permitting and all miscellaneous requirements necessary for the PBSO Headquarters-Parking Lot Security project. The improved parking lot will provide enhanced staff and vehicular security and better serve the users of the PBSO Headquarters Facility. This project was competitively advertised and new contractors were invited to bid by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 180 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$180 per day. This Work Order was solicited pursuant to the annual minor construction services contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual minor construction services contract was presented to the Goal Setting Committee on August 21, 2019. The Committee applied the following three Affirmative Procurement Initiatives (APIs): 1) sheltered market for projects under \$100,000; or 2) a Small Business Enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid on a single trade project \$100,000 or greater; or 3) a mandatory 25% SBE subcontracting goal for a multi-trade project \$100,000 or greater. Since this is a multi-trade project over \$100,000, the mandatory 25% SBE subcontracting goal API was applied. The SBE participation for this Work Order is 55.72%. To date, the Contractor's overall SBE participation is 63.88%. To date, the overall SBE participation on the annual minor construction services contract is 62.10%. The Contractor is a certified SBE company. Funding for this project is from Public Building Improvement Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to approve:

- A) an increase to the maximum cumulative value for the annual heating, ventilation and air conditioning (HVAC) contract in the amount of \$5,000,000 for HVAC services on an as-needed basis through January 6, 2025; and
- B) an annual contract with the following contractor for HVAC services on an as-needed basis through January 6, 2025.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Aquarius Air Conditioning & Refrigeration, Inc.	Non-Local	Non-SBE

SUMMARY: On January 7, 2020, the Board of County Commissioners (BCC) approved the annual HVAC contract (R2020-0019 through R2020-0023). The work consists of HVAC services related to system and component installations, upgrades, replacements, modifications and repairs to County-owned properties on an as needed basis. To date, the County has awarded work orders in the amount of \$21,621,638.07. In order to accommodate additional anticipated new projects required to be accomplished before this contract expires on January 6, 2025, staff is requesting to increase the maximum cumulative value for the annual HVAC contract in the amount of \$5,000,000. This increase will bring the maximum cumulative value of the annual HVAC contract to \$28,000,000. The Contractor now joins the list of twenty-six (26) prequalified contractors for a total of twenty-seven (27) prequalified contractors with a contract expiration date of January 6, 2025. The specific requirements of the work will be determined by individual work orders issued against this annual HVAC contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$23,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual HVAC contract before the term ends. Projects less than \$100,000 are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of pre-qualified contractors while projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper.

3. CONSENT AGENDA APPROVAL

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

3. **SUMMARY (cont'd.):** The bidding pool is further expanded, for projects \$100,000 or greater, to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual HVAC contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be tracked cumulatively for all work orders issued. To date, the cumulative S/M/WBE participation for all work orders under the annual HVAC contract is 33.43%. (Capital Improvements Division) Countywide (MWJ)

4. Staff recommends motion to approve:

A) First Amendment to the Amended and Restated Interlocal Agreement (R2019-1506) with the Village of Wellington (Village) to extend the term of the Agreement for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (County's System) from October 9, 2024 through October 8, 2029; and

B) First Amendment to the Amended and Restated Interlocal Agreement (R2019-1508) with St. Lucie County to extend the term of the Agreement for interoperable communications through the countywide common talk groups of the County's System from October 9, 2024 through October 8, 2029.

3. CONSENT AGENDA APPROVAL

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

4. **SUMMARY:** The Agreements (R2019-1506 and R2019-1508) set forth the terms and conditions under which each agency can program its radios into and utilize the countywide common talk groups for certain types of inter-agency communications. These agreements are set to expire on October 8, 2024. Each agreement includes two (2) renewal options, each extending the term by five (5) years. Each agency has approved an amendment to extend the term of its corresponding agreement to October 8, 2029, and the renewals now require approval by the Board of County Commissioners (BCC). The terms of these agreements are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with these agreements. Each agency is required to pay all costs associated with its subscriber units and to comply with the established operating procedures for the County's System. Either party may terminate its agreement, with or without cause, upon ten (10) days' prior written notice to the other party. The first amendments to the respective agreements with the Village and St. Lucie County extend the term of the agreements, update standard operational provisions, and add the E-verify provision. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (MWJ)

5. **Staff recommends motion to approve:** First Amendment to the Amended and Restated Interlocal Agreement (R2019-1507) with the Solid Waste Authority of Palm Beach County (Agency), to extend the term of the Agreement for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (County's System) from October 9, 2024 through October 8, 2029. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Agency can program its radios into and utilize the countywide common talk groups for certain types of inter-agency communications, expires on October 8, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. The Agency has approved the amendment to extend the term of the Agreement to October 8, 2029, and the renewal now requires approval by the Board of County Commissioners (BCC). The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Agency is required to pay all costs associated with the Agency's subscriber units and to comply with the established operating procedures for the County's System. The Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. This First Amendment extends the term of the Agreement, updates standard operational provisions, and adds the E-verify provision. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to approve: Work Order No. 24-014 (Work Order) to the annual heating, ventilation and air conditioning (HVAC) contract (R2020-0019) with Cedars Electro-Mechanical, Inc. (Contractor) in the amount of \$993,715 for the Palm Beach Sheriff's Office (PBSO) Cherry Road-Roof Top Units Replacement project for a period of 200 calendar days from notice to proceed. **SUMMARY:** The project consists of the replacement of 13 roof top units. The existing roof top units are approximately 14 years old, have outlived their useful life and are in need of replacement. The Work Order authorizes the construction services necessary to furnish all labor, equipment, devices, tools, materials, transportation, professional services, supervision, drawings, permitting and all miscellaneous requirements necessary to remove and replace 13 roof top units including associated accessories at the PBSO Training facility (located at 4215 Cherry Road, West Palm Beach). The new roof top units will be more efficient and provide years of dependable service. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 200 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This Work Order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual HVAC contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or a Small Business Enterprise (SBE) contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Since this project is greater than \$100,000, the SBE price preference API was applied. The Contractor is an SBE certified firm. To date, the Contractor has achieved 88.20% SBE participation on this contract. The SBE participation on this Work Order is 91.47%. To date, the overall SBE participation on the annual HVAC contract is 33.43%. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

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

7. **Staff recommends motion to approve:** First Amendment to the Agreement with the Friends of Mounts Botanical Garden, Inc. (FMBG) (Agreement) to extend the term of the agreement for the development of a new Master Plan from October 18, 2024 to October 17, 2025. **SUMMARY:** On October 18, 2022, the Board of County Commissioners (BCC) approved the Agreement (R2022-1245) with FMBG for the development of a new Master Plan for the Mounts Botanical Garden (Garden). The Agreement provides for three (3) renewal options, each for a period of one (1) year. FMBG has requested to exercise the first renewal option as it is still working towards retaining the professional services required for development of the Master Plan. FMBG has approved the amendment to renew the term of the Agreement to October 17, 2025, and the renewal now requires approval by the BCC. This item carries no fiscal impact. The First Amendment extends the term of the Agreement and adds the Disclosure of Foreign Gifts and Contracts with Foreign Countries of Concern and Human Tracking Affidavit provisions. Other than the changes set forth herein, all other terms remain the same. (FDO Admin) District 2/Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** a 20-year term State of Florida Department of Environmental Protection (FDEP) Florida Greenways and Trails System (FGTS) Designation Agreement (Agreement) for a 54.6-acre portion of Lake Park Scrub Natural Area (Natural Area). **SUMMARY:** On May 7, 2024, the Board of County Commissioners (BCC) approved a FDEP Office of Greenways and Trails Application for Designation of Public Lands or Waterways as part of the FGTS (Application, R2024-0466) for a 54.6-acre portion (Designation Area) of the 54.78-acre Natural Area; the remaining 0.18 acres of the Natural Area contains multiple encroachments and was excluded from the Application. The BCC concurrently authorized the County Administrator, or designee, to execute the Agreement for the Designation Area on behalf of the County if the County's Application was approved by the State's Greenways and Trails Council, and to sign a Resource Certification (Certification) required under the Agreement every five (5) years during the term of the Agreement. The County's Application was approved by the State's Greenways and Trails Council on June 25, 2024. The Agreement was executed on behalf of the County by the Director of the Department of Environmental Resources Management on July 31, 2024. **The Agreement will not have a fiscal impact.** District 7 (SS)

2. **Staff recommends motion to receive and file:** Project Agreement Amendment to Florida Inland Navigation District (FIND) Project Agreement No. PB-22-220 (Agreement) for the Providencia Cay Habitat Restoration (Project) to extend the term of agreement to November 14, 2025. **SUMMARY:** On May 3, 2022, the Board of County Commissioners (BCC) approved submittal of a FIND Waterways Assistance Program (WAP) Grant Application (R2022-0440) to fund up to \$365,000 and authorized the County Administrator, or designee, to sign all future time extensions and minor amendments associated with the Agreement. On February 7, 2023, the BCC approved FIND Project Agreement No. PB-22-220 (R2023-0174). Project Agreement Amendment No. PB-22-220 extends the Project completion date for a twelve-month period to be complete by September 30, 2025, and submit all required payment reimbursement information by November 14, 2025. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

3. Staff recommends motion to approve: a Temporary Construction Easement Agreement (Easement) with the Town of Palm Beach Shores (Town) to access, stage equipment, and conduct permitted activities within Lake Worth Lagoon on County Property on and adjacent to Peanut Island for a term beginning upon execution and expiring upon the earlier of the Town's completion of activities or March 19, 2026. **SUMMARY:** The Town desires to conduct a dredging project to improve navigation within Lake Worth Lagoon immediately north of Peanut Island on the Lake Worth Inlet Flood Shoal. A portion of the project area includes submerged and emergent property owned by the County. The United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) issued permits for this work with the County listed as the permittee. The Easement provides the necessary authorizations for the Town to assume a formal transfer of the FDEP permit from the County and to complete the permitted project. The Easement will expire upon the earlier of the Town's completion of activities or March 19, 2026. There is no cost associated with the Easement. Districts 1 and 7 (SS)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file:
- A) a fully executed AT&T Switched Ethernet Service (Intrastate) Pricing Schedule for a period of 36 months, and
 - B) a fully executed AT&T ILEC Intrastate Pricing Schedule for a period of 36 months.

SUMMARY: The Pricing Schedules have been fully executed on behalf of the Board of County Commissioners (BCC) by the Chief Information Officer in accordance with Resolution 2023-0958. Information Systems Services is now submitting the schedule in accordance with County PPM CW-O-051, which requires all delegated schedules to be submitted by the initiating Department to the BCC as a receive and file agenda item. The AT&T Switched Ethernet Service Pricing Schedule renew existing services at current discounted rates under the new AT&T Master Agreement 158865UA (R2023-0958). The Pricing Schedule for AT&T Switched Ethernet Service and AT&T ILEC Intrastate Pricing Schedules is for a period of 36 months. Countywide (DB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (cont'd.)

2. Staff recommends motion to approve:

- A) Amendment No. 1 to Contract for Consulting/Professional Services with Surdex Corporation (Surdex) to exercise the first one (1) year renewal option, extending the contract termination date to October 18, 2025, for digital orthophotography and planimetric mapping services;
- B) Amendment No. 1 to Contract for Consulting/Professional Services with GPI Geospatial, Inc. (GPI) to exercise the first one (1) year renewal option, extending the contract termination date to October 18, 2025, for digital orthophotography and planimetric mapping services; and
- C) Amendment No. 1 to Contract for Consulting/Professional Services with Woolpert, Inc. (Woolpert) to exercise the first one (1) year renewal option, extending the contract termination date to October 18, 2025, for digital orthophotography and planimetric mapping services.

SUMMARY: On November 1, 2022, the Board of County Commissioners (BCC) approved contracts for consulting/professional services with Surdex (R2022-1295), GPI (R2022-1296), and Woolpert (R2022-1297) for the period of October 18, 2022 to October 18, 2024 with three (3) additional one (1) year periods to extend. These First Amendments exercise the first renewal option, extending the contract dates to October 18, 2025. The three (3) contractors will provide the professional services required to provide Geospatial Services such as planimetric mapping, digital orthophotography, LiDAR processing, and GPS Survey in support of the County's Geographic Information System (GIS). The contract with Surdex includes 20% Small Business Enterprise (SBE) participation, which is based on projections done at the time of the bid. The tasks that have been assigned to date are significantly more technical than initial projections, which has resulted in SBE to date of 10.67% or 100% of SBE eligible work. The contract with GPI provides for SBE projected participation of 25% overall and their actual participation during their initial contract term was 0% due to the highly technical tasks they were assigned. The contract with Woolpert provides for SBE projected participation of 25% overall and actual participation was 0% as they were not assigned any tasks during the first term of the contract. Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: First Amendment to the Contract for Consulting/Professional Services in the area of veterinary and medical services with Barky Pines Animal Rescue & Sanctuary, Inc. (BPAR) for spaying/neutering at risk cats and adoptable dogs. **SUMMARY:** On August 23, 2023 (R2023-1138), Palm Beach County's Public Safety Department, Division of Animal Care and Control entered into a contract with BPAR to serve as part of the Count Down 2 Zero (C2Z) program to reduce or eliminate euthanasia. Under this Contract, BPAR provides spay and neuter services to at-risk cats and adoptable dogs in the western region of Palm Beach County. The Contract initially covered spay and neuter services up to 1,000 animals, with cats at \$75 and dogs at \$100 each, totaling no more than \$75,000. However, due to a recent Parvo virus outbreak at Animal Care and Control, all spay and neuter services for at-risk cats and adoptable dogs were paused to prioritize treatment and prevent the spread of the virus at the shelter and to the community. In response, BPAR stepped in to provide additional spay and neuter services for the influx of at-risk animals. This Amendment increases the Contract amount by \$30,000, bringing it to a maximum of \$105,000 and allows BPAR to be compensated for services exceeding the original limit. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

2. Staff recommends motion to approve: One (1) At-Large Appointment to the Emergency Medical Services (EMS) Advisory Council Private Ambulance Provider seat for the term October 8, 2024 through September 30, 2027, including a **waiver** of the prohibition against a conflicting employment or contractual relationship pursuant to Sections 112.313(7) (a) and (12), Florida Statutes. **An affirmative vote of five (5) is required.**

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
Yaima Acosta	3	Private Ambulance Provider	American Medical Response (AMR)

SUMMARY: The Emergency Medical Services Council (EMS Council) advises the Board of County Commissioners (BCC) on matters relating to EMS; in addition to proposing and discussing ideas and projects, which might improve the quality of EMS in Palm Beach County. Per Resolutions R2014-0100 and R2016-1824, the BCC approved a representative make-up of the EMS Council to include 20 members. Thirteen (13) members are representatives of the various components of the EMS system with specific requirements and seven (7) members are Commission District Consumer appointments. Yaima Acosta is an employee of AMR. This relationship necessitates a waiver approved by an affirmative two-thirds vote of the BCC (five (5) votes), pursuant to Sections 112.313(7) (a) and (12), Florida Statutes, because AMR is an EMS provider subject to the regulatory authority of the EMS Council. The EMS Council currently has eighteen (18) seats filled. The EMS Council diversity count is as follows: Caucasian 17 (94%), and African American: 1 (6%). The gender ratio (male: female) is 14:4. Staff is addressing the need to increase diversity within our EMS Council and will continue to encourage this to expand this Council's diversity. Countywide (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

3. Staff recommends a motion to:

A) **receive and file** a State-Funded Grant Agreement for Hazardous Materials Planning and Prevention Program (T0371) with the State of Florida, Division of Emergency Management (FDEM) for the period of July 1, 2024 through June 30, 2025 in the amount of \$9,154.40; and

B) **approve** a Budget Amendment of \$9,155 in the Emergency Management Grant Fund to recognize the grant award.

SUMMARY: This is an annual grant (CSFA # 31.067) from FDEM to conduct on-site visits and hazardous materials analyses at facilities within Palm Beach County known to have extremely hazardous substances designated by the U.S. Environmental Protection Agency. These assessments are required for compliance with the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Superfund Amendments and Reauthorization Act (SARA). On November 20, 2012, the Board of County Commissioners (BCC) authorized the County Administrator or designee to execute this agreement on behalf of the BCC (R2012-1731). **No matching funds are required.** Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

4. Staff recommends motion to:

A) receive and file the executed Amendment 12 for subcontract #16TFGR26 with the Florida Council Against Sexual Violence (FCASV) in the amount of \$267,024 to define tasks and deliverables for the period retroactive to July 1, 2024 through June 30, 2025, to provide sexual assault recovery services for a total of \$1,738,859 for the period of July 1, 2016 through June 30, 2026; and

B) approve Budget Amendment of \$228,201 in the Public Safety Grants Fund to adjust the budget to the actual grant awards.

SUMMARY: FCASV provides funding to Palm Beach County Department of Public Safety Division of Victim Services (DVS) through the award of annual grants to support and enhance sexual assault recovery services to primary and secondary victims. Amendment 12 to subcontract #16TFGR26 (R2016-1195, CSFA 64.061 and CSFA 64.069), revises the contract amount from \$1,471,835 to \$1,738,859 which is inclusive of the \$1,471,835 allocation received in the previous grant periods and \$267,024 allocated for the current grant period. Amendment 12 defines tasks/deliverables such as client eligibility, services including a 24-hour helpline, information and referral, crisis intervention, advocacy, accompaniment, community awareness, system coordination, support/personal growth groups, therapy, sexual violence-specific outreach activities and documentation thereof. These contracts will continue to fund two (2) Victim Advocates and one (1) Victim Services Project Coordinator. The Project Coordinator specializes in follow up care for victims of sexual assault and provides services such as organizing comprehensive medical follow up and other supportive services as needed. Amendment 12 begins July 1, 2024 and is retroactive to that date if executed thereafter. From July 1, 2023 to June 30, 2024, the DVS assisted 1,654 new and ongoing primary and secondary victims with 12,859 units of service. If grant funding ceases, the positions associated with this subcontract will be deleted from the DVS complement. R2006-0095 authorized the County Administrator or designee to execute FCASV grant contracts on behalf of the County. **No County matching funds are required.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

5. Staff recommends motion to:

- A) **receive and file** the executed First Amendment to the Florida Council Against Sexual Violence Subcontract 23FVP26 with the Florida Council Against Sexual Violence (FCASV) in the amount of \$215,284 for the period retroactive to July 1, 2024 through June 30, 2025 for a total amount of \$322,926 to provide sexual assault services; and
- B) **approve** a Budget Amendment of \$215,284 in the Public Safety Grants Fund to recognize the grant award.

SUMMARY: Palm Beach County, Department of Public Safety, Division of Victim Services (DVS) was awarded a US Department of Health and Human Services, Family Violence Prevention and Services Act (FVPSA) (R2024-0570, CFDA#16.017) award from the FCASV in the amount of \$107,642 for the first year of a two (2) year funding cycle ending in June 2025. The First Amendment to the FCASV Subcontract 23FVP26 (First Amendment), revises the contract amount from \$107,642 to \$322,926. The First Amendment defines tasks/deliverables such as client eligibility, the expansion of access to trauma-informed therapy and counseling through telehealth with a contracted therapist, direct services including crisis intervention, counseling, and mobile advocacy which can include responding to hospitals, law enforcement agencies, court, and public locations for in-person assistance. This subcontract will continue to fund one (1) Victim Advocate, one (1) Temp FRS position and contracted therapy. The Temp FRS position and the Victim Advocate position will be approved for the length of the grant funding and will be deleted from the DVS complement when funding is discontinued. The First Amendment shall begin July 1, 2024 and shall be retroactive if fully executed thereafter. As the only certified rape crisis program in Palm Beach County, for the period of July 1, 2023 to June 30, 2024, DVS assisted 1,654 new and ongoing primary and secondary victims with 12,859 units of service. On January 10, 2006, R2006-0095 authorized the County Administrator or designee to execute FCASV grant contracts on behalf of the County. **No County matching funds are required for this grant.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

6. Staff recommends motion to:

- A) **approve** First Amendment to Subcontract 23SAS26 with the Florida Council Against Sexual Violence (FCASV) increasing the amount by \$120,000 for a new total amount of \$240,000 for the period retroactive to August 1, 2024 through July 31, 2025 to provide sexual assault services;
- B) **authorize** the County Administrator or designee to execute future awards, contracts, amendments and associated documents that do not substantially change the scope of work, terms or conditions of the agreement after approval of legal sufficiency by the County Attorney's Office and within budget allocations; and
- C) **approve** a Budget Amendment of \$120,000 in the Public Safety Grants Fund to recognize the grant award.

SUMMARY: Palm Beach County, Department of Public Safety, Division of Victim Services (DVS) was awarded a Sexual Assault Services Program (SASP) Formula Grant, Assistance Listing Number (ALN) 16.017 (R2024-0088), from the FCASV in the amount of \$120,000 for the first year of a three-year funding cycle ending in June 2026. The First Amendment to the FCASV Subcontract 23SAS26 (First Amendment), revises the contract amount from \$120,000 to \$240,000. The First Amendment defines tasks/deliverables such as client eligibility, the expansion of advocacy services, accessibility of victim services and outreach to the Hispanic/Latino/a populations by creating partnerships with El Sol and the Guatemalan Maya Center. The First Amendment also revises the subcontract to indicate that data shall be entered into the Department of Health approved database. This subcontract will continue to fund one (1) Victim Services Project Coordinator whose responsibility is to coordinate all activities associated with this project including direct services, outreach, strategic planning and project evaluation. The Victim Services Project Coordinator position will be approved for the length of the grant funding and will be deleted from the DVS complement when funding is discontinued. Retroactive approval is being requested because a complete package of required documents from FCASV was received in late-July, funding was delayed until August 1st, and the agenda item was placed on the next available Board of County Commissioner (BCC) Meeting date to allow ample time to complete the internal review process and meet submission deadlines. As the only certified rape crisis program in Palm Beach County, for the period of July 1, 2023 to June 30, 2024, DVS assisted 1,654 new and ongoing primary and secondary victims with 12,859 units of service. **No County matching funds are required for this grant.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

7. Staff recommends motion to:

A) **approve** the following Contracts to provide adult reentry mental health services:

- 1) Integrated Healthcare Systems Riviera, Inc. (IHSR) in the amount of \$33,500 for the period retroactive to July 1, 2024 through June 30, 2025 utilizing funding from Florida Department of Corrections (FDC);
- 2) IHSR in the amount of \$9,000 for the period retroactive to October 1, 2024 through September 30, 2025 utilizing ad valorem funding; and

B) **authorize** County Administrator or designee to execute amendments and administrative documents associated with the above contracts that do not substantially change the scope of work, terms or conditions of the agreement, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: Palm Beach County's (PBC) Public Safety Department Division of Justice Services contracts with providers to coordinate reentry services to those returning to PBC from incarceration. Providers are solicited and selected through a competitive procurement process for a three (3) year period, with funding allocated on an annual basis. For FY 2022-2025, three (3) providers were selected to receive funding for services such as pre and post release case management, client support services and mental health treatment. IHSR was one (1) of the three (3) agencies selected to provide mental health treatment services. The State of Florida FY 2024–FY 2025 General Appropriations Act provided \$500,000 in non-recurring general revenue funds to the PBC Board of County Commissioners (BCC) for Adult Reentry Services. This funding supports the provider contracts who serve returning residents who are released from FDC facilities and return to PBC. To date, in FY 2024, IHSR has completed 10 assessments and provided over 291 hours in mental health services. Separate contracts are necessary for each provider based on funding source and the beginning and ending dates of the County and the State fiscal years. The contract utilizing funding from the State of Florida FY 2024–FY 2025 General Appropriations Act are retroactive to July 1, 2024. The delay was a result of a late budget approval by the Governor and the FDC CPO being received on July 1, 2024. The contract utilizing funding from Ad Valorem are retroactive to October 1, 2024. Countywide (RS)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to receive and file:

- A) the actuarial rates per coverage tier for the County's self-funded medical CHOICE, HMO, and POS health plans through United Healthcare (UHC) for plan year (PY) 2025; and
- B) employee wellness participation cash incentives in the amount of \$50 per employee for voluntary participation in a biometric health screening that meets the requirements of the County's wellness program.

SUMMARY: Staff recommends Board approval of the 2025 plan rates for the Employee Self-Funded Medical Benefits Plan (Contract No. 22-076/MD) with UHC for the period January 1, 2025 through December 31, 2025 on behalf of the employees of the Board of County Commissioners (BCC), Supervisor of Elections, and Palm Tran, Inc. (collectively participating in the plan through the provisions of Inter-local Agreement R2002-2287, as amended). The total conservative projected costs for PY 2025 are \$77,050,741. These projections include claims, fixed administrative, access, utilization and disease management fees, as well as stop loss insurance costs and other ancillary costs and fees, less any pharmacy rebates. In order to ensure the continued financial stability of our fund, a 5% increase to the employer contributions of the health plan premiums was included in the approved FY 2025 Budget to maintain a margin for the Office of Insurance Regulation (OIR) safe harbor 60 day surplus threshold for the long term. This increase has been contemplated in the 2025 budget. Sufficient funds have been budgeted to fund the program. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

A) **accept** a grant award on behalf of the Palm Beach County Sheriff's Office (PBSO) from the Florida Department of Education (FDOE) for the FY 2024-2025 Coach Hixon, Coach Aaron Feis and Coach Scott Beigel Guardian Program (Guardian Program) in the amount of \$100,000 for the period July 1, 2024 through August 31, 2025; and

B) **approve** a Budget Amendment of \$100,000 in the Sheriff's Grants Fund.

SUMMARY: On September 4, 2024, the PBSO received a grant award in the amount of \$100,000 for the Guardian Program to continue PBSO's Safe Schools Security Guard Training Program (SSSGTP). The SSSGTP is a partnership with the Palm Beach County School District to ensure all charter schools in Palm Beach County are equipped with a Safe-School Officer in compliance with Section 1006.12, Florida Statutes. These grant funds will provide overtime for the qualified sworn deputies/instructors certified by the Criminal Justice Standards and Training Commission (CJSTC) and a training simulation software to support the Guarding Training Program. The contract agreement number is 97K-90210-5D001. The CFSA# is 48.14. There is no match requirement associated with this award. Countywide (RS)

2. Staff recommends motion to receive and file: Modification #2 to the Sub-Grant Agreement between the State of Florida, Division of Emergency Management and the Palm Beach County Sheriff's Office (PBSO), to extend the period of performance of the FY 2022 State Homeland Security Grant Program (SHSGP) through June 30, 2025. **SUMMARY:** On March 14, 2023, the Board of County Commissioners (BCC) accepted a FY 2022 SHSGP award in the amount of \$916,000 from the State of Florida, Division of Emergency Management for the period February 1, 2023 through March 31, 2024 (R2023-0349). On May 7, 2024, the BCC accepted Modification #1, which extended the grant period through September 30, 2024 (R2024-0493). Modification #2 will extend the period of performance through June 30, 2025, to allow more time to complete our domestic and regional homeland security projects. There is no match associated with this award. The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 97.067 and the contract number is R0569. Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd.)

3. **Staff recommends motion to receive and file:** Grant Modification #5 to the Sub-Grant Agreement between with the State of Florida, Division of Emergency Management (FDEM) and the Palm Beach County Sheriff's Office (PBSO), to extend the period of performance of the FY 2021 State Homeland Security Grant Program (SHSGP) through June 30, 2025. **SUMMARY:** On March 22, 2022, the Board of County Commissioners (BCC) accepted a grant award from FDEM in the amount of \$763,240, for the period of January 18, 2022 through March 31, 2023 to support various domestic security initiatives (R2022-0254). On December 6, 2022, the BCC accepted Modification #1, to provide \$462,317 in supplemental funds to support a statewide law enforcement data sharing system administered by the Florida Department of Law Enforcement (FDLE), for a total grant award of \$1,225,557 (R2022-1475). On June 6, 2023, the BCC accepted Modification #2 to extend the grant period through September 30, 2023 (R2023-0751). On September 19, 2023, the BCC accepted Modification #3 to extend the grant period through June 30, 2024 (R2023-1347). On July 7, 2024, the BCC accepted Modification #4 to extend the grant period through September 30, 2024. Modification #5 extends the grant period through June 30, 2025, to allow more time to complete our domestic security initiatives. **There is no match associated with this award.** The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 97.067 and the contract number is R0515. Countywide (RS)

4. **Staff recommends motion to receive and file:** Modification #2 to the FY 2022 Urban Area Security Initiative (UASI) Memorandum of Agreement (MOA) between the City of Miami and the Palm Beach County Sheriff's Office (PBSO), which extends the grant period from October 1, 2024 through June 30, 2025. **SUMMARY:** On August 22, 2023, the Board of County Commissioners (BCC) accepted a grant award on behalf of the PBSO in the amount of \$1,518,726 for the FY 2022 UASI Grant Program, for the period July 18, 2023 through June 30, 2024 (R2023-1151). On July 2, 2024, the BCC accepted Modification #1 to the MOA extending the grant period through October 1, 2024 (R2024-0813). Modification #2 will extend the period of performance through June 30, 2025. The UASI is a Department of Homeland Security (DHS) Grant Program, pass-through the State of Florida to the City of Miami, as the UASI's fiscal agent. The grant supports various domestic security initiatives within Palm Beach County and the Southeast Florida Region 7, including intelligence operations, cyber security training, and equipment for our specialty teams. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance (CFDA) number is 97.067 and the contract number is R0588. Countywide (RS)

OCTOBER 8, 2024

3. CONSENT AGENDA APPROVAL

DD. TOURIST COUNCIL DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the Cultural Council of Palm Beach County, Inc., (Cultural Council) in the amount of \$435,000 authorizing the Cultural Council to award and administer grants to community-based, non-profit cultural organizations for Category C-I projects, and authorizing reimbursement to the Cultural Council for the costs of administering and monitoring the grants for the term retroactive to October 1, 2024 - September 30, 2025. **SUMMARY:** Palm Beach County shall provide a total of \$435,000 to the Cultural Council, including \$369,750 to fund Category C-I (Small and Emerging Organizations, Children's and Multicultural) projects of non-profit organizations pursuant to a grant process approved by County, and \$65,250 to be utilized for Cultural Council's administration expenses. The Cultural Council will administer the program through a process which requires a panel to review the application forms and guidelines, and to evaluate the applications by recommending grant amounts through the Cultural Council's board of directors. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF RESILIENCE

1. Staff recommends motion to:

A) approve an agreement with the University of Florida (UF) Institute of Food and Agricultural Sciences (IFAS), Office of Conferences & Institutes (OCI) for a period beginning upon execution through August 1, 2026, in an amount not to exceed \$150,000 for the term of this agreement to provide event planning services for Palm Beach County's Office of Resilience (OOR) to host the Southeast Florida Regional Climate Change Compact's (Compact) 2025 Climate Leadership Summit (Summit); and

B) delegate authority to the OOR to determine and approve appropriate sponsorship and registration fees.

SUMMARY: The Palm Beach County (PBC) Board of County Commissioners (BCC) approved a supplemental request on August 20, 2024, to transfer \$500,000 from the general contingency fund to the OOR budget for the Summit in December 2025. This annual summit will provide educational and networking opportunities that enhance resilience and sustainability for the Southeast Florida region. Staff is seeking approval to contract with OCI, a 501(c)(3) non-profit event planning organization based in Gainesville, FL, to plan and manage the 2025 Summit. Because OCI is a non-profit, the County can directly procure services with them. The allocated funds will enable the OCI to effectively plan, coordinate, and manage the Summit. The event services provided will include meeting logistics, marketing and promotions, website completion, sponsor solicitation infrastructure and management, financial management, program development, exhibitor management, onsite management, general communications and clerical services, and event close-out. PBC OOR has begun event planning by designing a preliminary agenda and obtaining estimates. OCI's contract will stipulate that expenses will be adjusted accordingly to maintain budgetary balance in the event of lower-than-expected registration or sponsorship revenue. In past years, the Summit has typically been a net neutral or positive event, with sponsorship and registration revenue offsetting event costs. Should a budget shortfall persist despite cost reductions, the County will be responsible for covering any remaining negative balance. Countywide (RM)

3. CONSENT AGENDA APPROVAL

FF. INTERNAL AUDITOR

1. Staff recommends motion to receive and file:

A) Audit reports reviewed by the Audit Committee at its September 18, 2024 meeting as follows:

1. Report #2024-02 Housing and Economic Development / Mortgage and Housing Investments Division – *Grants Management* (Audit Work Plan #2023-03)
2. Report #2024-04 Office of Equal Business Opportunity / New Ordinance Implementation (Audit Work Plan #2024-03); and

B) Audit Risk Assessment and Work Plan for FY 2025.

SUMMARY: The County Code requires the County Internal Auditor to submit copies of final audit reports to the Board of County Commissioners (BCC) and the Internal Audit Committee. The County Code also requires the County Internal Auditor to submit an annual risk-based audit plan to the Internal Audit Committee for review and approval and submit to the BCC. At the September 18, 2024 meeting, the Internal Audit Committee reviewed the attached audit reports and approved the work plan for FY 2025. We are submitting these reports to the BCC as required by the County Code. Countywide (DB)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A)** Certificate of Appreciation presented to Loggerhead Marineline Center. (District 5)
- B)** Proclamation declaring October 2024 as the 75th Anniversary of the Legal Aid Society of Palm Beach County. (District 1)
- C)** Proclamation declaring October 14, 2024 as Palm Beach County E-Waste Day. (District 5)
- D)** Proclamation recognizing the 25th Anniversary of the Original Tee Golf Classic. (District 1)
- E)** Proclamation declaring October 8, 2024 as Eda and Cliff Viner Community Scholars Foundation Day (District 5)
- F)** Proclamation recognizing Dr. Ron Giddens on 44 Years of Service on the Library Advisory Board. (District 4)
- G)** Proclamation declaring October 6 – 12, 2024 as National 4-H Week. (District 6)
- H)** Proclamation declaring October 25 – November 2, 2024 as Mobility Week. (District 4)
- I)** Proclamation declaring September 15, 2024 honoring the life of Mayor Fred Pinto Day. (District 6)
- J)** Proclamation declaring the weekends of October 11 - 13 and October 18 - 20, 2024 as Oktoberfest. (District 3)
- K)** Proclamation declaring October 6 – 12, 2024 as:
 - PBSO District 15 Street Crimes Unit Agent Timothy Laquerre Week.
 - PBSO District 15 Street Crimes Unit Agent Thomas San Filippo Week.
 - PBSO District 15 Street Crimes Unit Agent Sergeant Bert Gaudreau Week. (District 6)
- L)** Certificate of Recognition presented to Samuel Pierre. (District 7)
- M)** Proclamation declaring October 6 – 12, 2024 as Fire Prevention Week. (District 2)
- N)** Certificate of Recognition presented to Marie Ketelie Seide. (District 7)

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution regarding the Comprehensive Everglades Restoration Plan (CERP) implementation, Lake Okeechobee System Operating Manual (LOSOM) execution, and updating of the Flood Insurance Rate Maps (FIRM) around Lake Okeechobee in Palm Beach County (PBC). **SUMMARY:** As directed by the Board of County Commissioners (BCC), this proposed Resolution is being brought back to the BCC for discussion. **There is no cost to the County.** Countywide (MJ)

B. AIRPORTS

1. Staff recommends motion to approve:

A) Change Order No. 6 to Amendment No. 9 to the Construction Manager (CM) at Risk Contract (Contract) (R2019-0042) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Airport Improvements for the Terminal Roof Improvements project (Project) at Palm Beach International Airport (PBI), increasing the Project amount by \$4,260,920.73 and extending the project duration by 292 calendar days; and

B) A Budget Transfer of \$4,260,921 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$4,260,921.

SUMMARY: The Project was approved on February 7, 2023 (R2023-0214) in the amount of \$8,422,400 with a project duration of 459 calendar days. Change Order No. 1 in the amount of \$735,433.53 was approved on January 23, 2024 (R2024-0043) and provided for the installation of a moisture barrier on the third level of the terminal to mitigate condensation and replace damaged ductwork, the reconstruction of a concrete curb around an expansion joint, and modifications to the existing mechanical and electrical equipment impacted by the roof replacement. Change Order No. 2 was approved on April 2, 2024 (R2024-0344), extending the project duration by 106 calendar days due to delays in shipment of electrical equipment. Change Order No. 3 through Change Order No. 5 were approved pursuant to delegated authority in accordance with PPM CW-F-050, providing for use of contingency funds to address unforeseen conditions, including mitigating moisture entry points at the roof driveways, conflicts with electrical conduits and replacement of a corroded damper on the smoke evacuation air intake equipment. A detailed contract history is included in Attachment No. 1. Approval of Change Order No. 6 increases the Project amount by \$4,260,920.73, increasing the total Project cost to \$13,418,754.26, and extends the Project duration by 292 calendar days for a total Project duration of 853 calendar days.

OCTOBER 8, 2024

5. REGULAR AGENDA

B. AIRPORTS (cont'd.)

1. **SUMMARY (cont'd.):** Following the start of the work authorized under Change Order No. 1, it was discovered that there are significant penetrations in the building envelope, requiring reconstruction of interior and exterior soffits in order to provide access to complete the installation of the new moisture barrier due to insufficient access panels to complete the work. Change Order No. 6 includes the reconstruction of the interior and exterior soffits and ceilings to provide access for replacement of water-damaged ductwork and insulation within the interior of the third level of the terminal. In addition, it includes reconstruction of three (3) stair landings to provide for proper drainage and comply with current building code requirements. A Disadvantaged Business Enterprise (DBE) goal of 12% was established for the Contract. The DBE participation for Change Order No. 6 is 11.3%. The DBE participation for this Project to date is 11.7%. The DBE participation for the Contract to date is 17.5%. Countywide (AH)

5. REGULAR AGENDA

C. PUBLIC SAFETY

1. Staff recommends motion to:

A) **approve on preliminary reading and permission to advertise for public hearing on October 22, 2024 at 9:30am:** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 ~~{EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE}~~; AMENDING SECTION 13-22 ~~{APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)}~~ RELATING TO A PROCESS TO ALLOW AN ADDITIONAL SECONDARY PROVIDER APPLICATION PERIOD AND COPCNS, INCLUDING UPDATING APPLICATION REQUIREMENTS; PROVIDING FOR RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE; and

B) **receive and file** Business Impact Estimate (BIE) of the proposed Ordinance to amend the ~~Emergency Medical Services (EMS)~~ Ordinance.

SUMMARY: At the June 15, 2021 Board of County Commissioners (BCC) meeting, Secondary Service Provider ~~Certificates of Public Convenience and Necessity (COPCN)~~ were issued to the following three (3) companies: Atlantic/Palm Beach Ambulance, Inc. d/b/a American Medical Response (AMR), Medics Ambulance Service, Inc. (Medics), and Health Care District of Palm Beach County. These companies were approved to provide secondary Advanced Life Support (ALS) Transport Services and ALS/Basic Life Support (BLS) Inter-facility Transport Services in Palm Beach County from July 1, 2021 through June 30, 2027. During that same meeting, the BCC identified a need to be able to request that, within three (3) years from the COPCN start date of July 1, 2021, a review be conducted to determine if there was a public safety need for additional Secondary Providers in Palm Beach County. At the May 7, 2024 BCC meeting, staff were directed to present an update on EMS Ordinance, specifically on the Secondary COPCN process. On August 27, 2024, staff provided this update, and the BCC directed staff to expeditiously prepare a proposed amendment to the EMS Ordinance. The amendment will establish a process for opening an additional Secondary Provider COPCN application period if there is a public safety need to add additional Secondary Providers, and allow for the issuance of additional Secondary Provider COPCNs, prior to the end of the current six (6) year term outlined in the EMS Ordinance. Currently, Secondary Provider COPCN applications are issued every six (6) years for a six (6) year term, with the current term set to expire on June 30, 2027.

5. REGULAR AGENDA

C. PUBLIC SAFETY (cont'd.)

1. **SUMMARY (cont'd.):** The proposed revisions to the EMS Ordinance would update some application criteria and provide that the term of any COPCNs issued to additional Secondary Providers under this new process would end at the same time as the current Secondary Provider COPCNs under the regular six (6) year term. At the September 19, 2024 EMS Advisory Council meeting, the EMS Advisory Council reviewed and recommended approval of the EMS Ordinance revisions. The proposed amendment to the EMS Ordinance was presented to the League of Cities on September 25, 2024. Section 125.66(3)(a), Florida Statutes requires the County to prepare a BIE before enacting an ordinance and to post the same on the County's website no later than the date the notice of the proposed enactment is published. Included as Attachment 2 to this agenda item is the BIE required pursuant to Section 125.66(3)(a), Florida Statutes. Countywide (SB)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of a 1.30 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from King Gary III, for \$20,150 plus closing, title insurance and recording costs estimated to be \$745; and
- B) a Memorandum of Agreement with King Gary III, to be recorded in the public records to provide notice of this Agreement.

SUMMARY: On November 2, 2021, the Board of County Commissioners (BCC) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcel owned by King Gary III (Gary Parcel), is an interior parcel located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offer. The Agreement allows for the County's due diligence review of the parcel within 45 days of BCC approval. The County will pay title insurance policy premium, closing and recording costs estimated to be \$745 for the Gary Parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcel prior to closing. A boundary survey will not be obtained for the parcel due to the remote location. ERM will be responsible for the administration of the parcel. All costs related to the acquisition will be paid from existing funds received from the ARPA Response Replacement Fund. **These are County ARPA Response Replacement funds that do not require a local match. This acquisition must be approved by a supermajority vote (5 Commissioners).** (Property & Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

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

2. Staff recommends motion to:

A) receive and file Staff's report regarding the status of the negotiations with Vanderbilt University (VU) towards the execution of a Development and Conveyance Agreement (DCA) for the development of an educational campus which will include approximately 5.03 acres of County-owned property (Properties) located in the City of West Palm Beach; and

B) authorize staff to revoke the License Agreement for the Use of County-owned Property (License Agreement)(R2023-0359 and R2023-0360) granted to Transit Village, LLC for the use of a portion of the Properties.

SUMMARY: On July 17, 2024, the Board of County Commissioners (BCC) directed staff to meet with VU representatives and to coordinate a presentation by VU representatives to be given during the August 20, 2024 BCC regular meeting. Staff met with VU representatives on July 24, 2024 and coordinated the presentation as directed. On August 20, 2024, representatives from Vanderbilt University provided the BCC a presentation entitled *Vanderbilt in Palm Beach County* as supported by an economic impact study (prepared by TXP, Inc. for VU) entitled *The Potential Economic Impact of Vanderbilt University in West Palm Beach*. Following the presentation by VU and discussion by the BCC, staff was directed to negotiate the potential conveyance of the Properties (located on Government Hill) for the planning, development, design, permitting, construction, operation and maintenance of an educational campus by VU in the form of a final agreement to be considered by the BCC during its October 8, 2024 regular meeting. In negotiating a DCA, the BCC directed staff to use as the base document the agreement previously executed with University of Florida (UF) for a similar purpose (R2022-0891). Staff was further directed to provide a report on the status of the negotiations with VU to the BCC during its September 17, 2024 regular meeting. Staff proceeded as directed and on August 29, 2024 delivered to VU a first draft of a proposed DCA. Although based on the UF DCA, the proposed first draft reflected modifications resulting from: 1) the inherent differences between UF and VU (i.e., the former is a public entity, the latter is private), 2) the statutory provisions controlling the corresponding DCA (i.e., Section 125.38, Florida Statutes for UF and Section 125.045, Florida Statutes for VU), and 3) the direction provided by the BCC during its August 20, 2024 regular meeting. On September 17, 2024, staff provided the BCC a report on the status of negotiations and, jointly with VU representatives, reported that additional time was needed to successfully achieve a DCA that could be considered by the BCC.

5. REGULAR AGENDA

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

2. **SUMMARY (cont'd.):** As such, staff was authorized to work towards submission of the final DCA for consideration by the BCC during its October 22, 2024 regular meeting, and directed to provide an update regarding the status of negotiations during the October 8, 2024 regular meeting. On December 2, 2022, following BCC direction, staff executed the License Agreement granting to Transit Village LLC (TV) use of a portion of the Properties for temporary storage, construction activities and temporary parking, in connection with the Agreement for Purchase and Sale (PSA) as amended (R2012-1158, R2018-0956, R2020-0517, and R2021-1587) entered between TV and the County for the development of the Wedge Property. To enter into a DCA with VU, the Properties must be free from encumbrances, licenses and/or obligations. In March 2024, TV sued the County requesting specific performance under the PSA; litigation remains active. On August 22, 2024, TV sent a letter to staff notifying of its willingness to work with the County and VU to incorporate the License Agreement into a DCA with VU. Given the active litigation between the County and TV, the timeline for development of the Wedge Property is uncertain, and staff's ability to simultaneously engage with TV and VU is limited by the constraints resulting from the legal proceedings. Therefore, if the BCC wishes to pursue a DCA with VU, staff recommends it be authorized to revoke the License Agreement. Countywide/District 2 (HJF)

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6. BOARD APPOINTMENTS

A. ADMINISTRATION

- 1. Staff recommends motion to approve: the appointment of one (1) member to the Health Care District Board (HCDB) for a four (4) year term beginning October 8, 2024 and ending September 30, 2028:

<u>Appoint</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Joseph Gibbons	Palm Beach County Resident	Vice Mayor Marino
Or		
Julio A. Borroto	Palm Beach County Resident	Mayor Sachs Commissioner Baxter

SUMMARY: The Health Care District of Palm Beach County (HCD) was created to provide a source of funding for indigent and medically needy residents of Palm Beach County (PBC) and to maximize the health and well-being of residents by providing comprehensive planning, funding and coordination of health care service delivery. Per Chapter 2003-326, Laws of Florida, the HCDB is comprised of seven (7) members. The appointing authority shall consider the diverse geographic areas of PBC in selecting individuals to serve on the HCDB, and at least one (1) person, but not more than two (2) shall reside in the Glades Area. The Governor shall appoint three (3) members; the BCC shall appoint three (3) members, one (1) of which must be an elected official at the time of appointment; and one (1) member shall be the Director of the Palm Beach County Health Department. Members may serve two (2), four (4)-year terms. Currently, member Mr. Sean O’Bannon in seat 3 termed out September 30, 2024. The main requirement for this seat is that the individual must be a PBC resident. A memo dated May 9, 2024, was circulated to the Board of County Commissioners (BCC) requesting nominations. Mr. Gibbons is African-American, and Mr. Borroto is Hispanic-American. The diversity of the HCDB consists of: Caucasian: 3 (42.84%), African-American: 1 (14.29%), Hispanic-American: 1 (14.29%), Other: 1 (14.29%). The gender ratio (female:male) is 3:3. Staff has addressed the need to increase diversity within its boards and will continue to encourage this in an effort to expand the Boards diversity. Countywide (HH)

B. COMMISSION DISTRICT APPOINTMENTS

OCTOBER 8, 2024

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

1. [Staff recommends motion to receive and file:](#) the updated Board Directive Reports which include in process and completed board directive items. **SUMMARY:** At the February 6, 2018 Board of County Commissioners Meeting, direction was given to the County Administrator to submit monthly a status report of the board directives. The 7areport categorizes: 1) In Process Items, and 2) Completed Items. The report continues to be updated on an ongoing basis. Countywide (DC)

B. COUNTY ATTORNEY

OCTOBER 8, 2024

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

Requesting off-site approval for Proclamation declaring October 2024 as 7-Eleven Community Engagement Month.

District 3 – COMMISSIONER MICHAEL A. BARNETT

Requesting off-site approval for Proclamation declaring October 15, 2024 as White Cane Safety Day.

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

~~Request off-site approval for Proclamation declaring October as Gullah-Geechee Cultural Heritage Month.~~

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9. MATTERS BY THE PUBLIC – 2:00 P.M.

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OCTOBER 8, 2024

10. 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."