

August 17, 2021
9:30am

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 17, 2021

<u>PAGE</u>	<u>ITEM</u>											
13	3B-2	REVISED MOTION: Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings: <table><thead><tr><th><u>Meeting Date</u></th><th><u>Meeting Type</u></th></tr></thead><tbody><tr><td>May 5, 2021</td><td>Comprehensive Plan</td></tr><tr><td>May 27, 2021</td><td>Zoning</td></tr><tr><td>June 15, 2021</td><td>Budget</td></tr><tr><td>June 15, 2021</td><td>Regular</td></tr></tbody></table>	<u>Meeting Date</u>	<u>Meeting Type</u>	May 5, 2021	Comprehensive Plan	May 27, 2021	Zoning	June 15, 2021	Budget	June 15, 2021	Regular
<u>Meeting Date</u>	<u>Meeting Type</u>											
May 5, 2021	Comprehensive Plan											
May 27, 2021	Zoning											
June 15, 2021	Budget											
June 15, 2021	Regular											
80	3CC-1	REVISED MOTION: Staff recommends motion to: A) receive and file Grant Modification <u>Amendment</u> 1 with the State of Florida, Office of the Attorney General (OAG) to provide an additional \$92,250 in grant funds for the Palm Beach County Sheriff's Office; (Sheriff)										
86	3HH-1	REVISED MOTION: Staff recommends motion to approve: a three year term contract, between Thomas <u>Thomson</u> Reuters (Westlaw) and Palm Beach County, Office of Inspector General, for a legal research subscription, in the amount of \$11,098.92 for the period of August 31, 2021 through August 31, 2024. (Inspector General)										
91	5C-1	DELETED AND MOVED TO PUBLIC HEARING ON AUGUST 26, 2021 AT 9:30AM: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the "Palm Beach County Local Provider Participation Fund Ordinance"; providing for a title; providing for applicability; providing for definitions; providing for purpose; providing for alternative method; providing for assessment; providing for computation of assessment; providing for assessment resolution; providing for non-ad valorem assessment roll; providing for notice by publication; providing for notice by mail; providing for adoption of assessment resolution and non-ad valorem assessment roll; providing for annual final assessment resolution; providing for effect of annual final assessment resolution; providing for method of collection; providing for refunds; providing for enforcement; providing for indemnification; providing for correction of errors and omissions; providing for limitations on surcharges; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. (Admin)										

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**

AUGUST 17, 2021

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 13-86)**
- 4. SPECIAL PRESENTATIONS (Page 87)**
- 5. PUBLIC HEARINGS - 9:30 A.M. (Pages 88-91)**
- 6. REGULAR AGENDA (Pages 92-111)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Pages 112-113)**
- 8. BOARD APPOINTMENTS (Page 114)**
- 9. STAFF COMMENTS (Page 115)**
- 10. BCC COMMENTS (Pages 116-117)**
- 11. ADJOURNMENT (Page 118)**

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- 3B-2 Minutes
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. [Staff recommends motion to ratify:](#) the following changes to the Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council (TCRPC), beginning August 17, 2021 to December 31, 2021:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>
<u>Regular appointments:</u>		
John Linden, Commissioner	7	Town of Lake Park
<u>Alternate appointments:</u>		
Herman Robinson, Commissioner	7A	City of Lake Worth Beach

SUMMARY: In accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) appointed its members and alternates for the coming year before the Council's annual meeting on December 11, 2020. The TCRPC Rules of Order also require the BCC ratify the League's members. The League appointed the above municipal representatives at their April, 2021 and June, 2021 meetings. Countywide (RPB)

B. CLERK OF THE CIRCUIT COURT & COMPTROLLER

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

<u>Meeting Date</u>	<u>Meeting Type</u>
May 5, 2021	Comprehensive Plan
May 27, 2021	Zoning
June 15, 2021	Budget
June 15, 2021	Regular

3. [Staff recommends motion to approve:](#) Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. [Staff recommends motion to receive and file:](#) change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations; Water Utilities Department; Environmental Resources Department; and the Department of Airports during January, February, March, April, May, and June of 2021. Countywide

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to receive and file: a list of Clerk & Comptroller Finance Department records which have been converted to an electronic format. **SUMMARY:** These records have been converted from paper to an electronic format. The electronic records will be maintained according to their required retention schedule under the State of Florida's General Records Schedule GSI-SL for State and Local Government Agencies per Chapter 119 and Chapter 257, Florida Statutes. Countywide
6. Staff recommends motion to approve: List of Errors, Insolvencies, Double Assessments, Discounts, and Value Adjustment Board reductions on the 2020 Assessment Roll (3,764 pages). **SUMMARY:** Section 197.492, Florida Statutes, requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors, double assessments, and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. Countywide (DB)
7. Staff recommends motion to receive and file: two of Palm Beach County's annual financial reports for fiscal year ended September 30, 2020.

A) The Units of Local Government – Annual Financial Report (AFR); and

B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

SUMMARY: The Units of Local Government Report is an Annual Financial Report which serves to generate input to the state. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45, Florida Statutes and includes the Single Audit Report. Countywide (DB)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Work Task Order (WTO) to the Annual Intersection Professional Services Contract (R2020-0542) dated June 2, 2020 (Contract) with Propel Engineering, Inc. (PEI) in the amount of \$158,053.13 for the Clint Moore Road and SR 7 Intersection Improvements (Project). **SUMMARY:** Approval of this WTO will authorize the professional services necessary to provide engineering and surveying services for the Project. The Affirmative Procurement Initiatives selected for this Contract on May 1, 2019 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. PEI agreed to 89% SBE participation for the Contract. They agreed to 90.75% SBE participation for this WTO. The cumulative SBE participation to date for the Contract including this WTO is 90.61%. PEI is a Palm Beach County based company and a certified SBE company. District 5 (YBH)

2. Staff recommends motion to:

A) adopt a resolution authorizing the conveyance of two parcels on Half Mile Road, just south of the intersection of Atlantic Avenue (Parcels), to the State of Florida Department of Transportation (FDOT); and

B) approve a Palm Beach County (County) deed to convey the Parcels at no cost to FDOT.

SUMMARY: Adoption of the resolution will authorize the approval of the County deed to convey the Parcels to FDOT, as they requested for the widening of Atlantic Avenue. The Engineering Department has determined that the Parcels serve no present or future County purpose. This conveyance will relieve the County of potential liability and the cost of maintenance for these Parcels. This conveyance to FDOT is at no cost, and is pursuant to Section 125.38, Florida Statutes. Although the County normally reserves its interest in phosphates, minerals, metals and petroleum rights per Section 270.11, Florida Statutes, FDOT has requested the release of this reservation because FDOT requires the property to be free and clear without encumbrances. **In accordance with County ordinance (2019-038), a supermajority vote (5 votes) is required by the Board of County Commissioners (BCC) for all transfers of fee simple real property that requires BCC approval.** District 5 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) an annual milling and resurfacing contract with Ranger Construction Industries, Inc. (Ranger) in an amount not to exceed \$50,000,000;

B) an annual milling and resurfacing contract with M&M Asphalt Maintenance Inc., D/B/A All County Paving (MMA) in an amount not to exceed \$50,000,000; and

C) an annual milling and resurfacing contract with General Asphalt Co., Inc. (GAC) in an amount not to exceed \$50,000,000.

SUMMARY: Approval of these contracts will provide the annual construction services necessary to mill and resurface roadways on an as needed basis throughout Palm Beach County (County). The total that is available across all three contracts for the Annual Milling and Resurfacing Program is \$50,000,000. In order to increase flexibility between contracts based on contractor availability, each is approved for the maximum of the program. The Affirmative Procurement Initiative selected for these contracts on September 16, 2020, by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. Ranger agreed to 15% SBE participation. MMA agreed to 15% SBE participation. GAC agreed to 15% SBE participation. Ranger, MMA and GAC were the lowest responsive bidders of five. These contracts will be in effect for 36 months from the date of approval by the Board of County Commissioners. Ranger, MMA and GAC are County based companies. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: Work Order 2018051-167 in the amount of \$1,700,000 to mill and resurface Seacrest Boulevard from Gulfstream Boulevard to Hypoluxo Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2018-1533 (Contract) with Ranger Construction Industries, Inc. (Ranger). **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 improvements. Prior to this meeting date, approximately \$40 million of Ranger's \$48.5 million Contract has been spent or encumbered. On October 16, 2018, the BCC approved the Contract with Ranger to provide milling and resurfacing of County roadways for countywide projects. The Contract was renewed on October 22, 2019, with a 15% mandatory Small Business Enterprise (SBE) goal set as the Affirmative Procurement Initiative. Due to the limited availability of qualified certified SBE subcontractors, the Office of Equal Business Opportunity issued a waiver on January 17, 2020, that reduced the mandatory SBE participation to 5%. On June 2, 2020, the second renewal was approved, and continued with the reduced mandatory SBE participation of 5%. Ranger agreed to 5% SBE participation for this work order. Work orders approved on this meeting date will result in a cumulative SBE participation of 8.6% for all the work orders issued under the Contract. **This project is included in the infrastructure sales tax. District 7 (YBH)**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: Change Order No. 14 to the contract (R2017-1196) with Hardrives of Delray, Inc. (Hardrives) in the amount of \$277,662.43 and a contract time extension of 277 days for Roebuck Road from Jog Road to Haverhill Road, and the Roebuck Road/Jog Road Intersection (Project). **SUMMARY:** Per PPM CW-F-050, the total of Change Order No. 14 exceeds the threshold of \$100,000 and allowable time extensions relating to staff approvals of change orders to contracts, and requires the Board of County Commissioners approval. Approval of Change Order No. 14 will compensate Hardrives for unforeseen additional work deemed necessary for the Project. The time extension of 277 days changed the completion date to October 14, 2020. During construction of the project, the City of West Palm Beach (City) requested and/or found necessary the replacement of an existing power pole, the abandonment of an existing water main surge relief valve, the relocation of an existing manhole, and the relocation of an existing fire hydrant supply line. These items total \$44,037.89 and will be fully reimbursed by the City under joint participation agreement dated November 7, 2017 (R2017-1664). Quantity overruns were encountered for asphalt pay items #15 and #17 due to errors and omissions in design. Pay item #15's unit of measure for tons (TN) was incorrectly labeled as square yards (SY). When the contractor bid the contract, they submitted a cost of \$9.60 per SY for 229 SY. This quantity overrun totaled a cost of \$24,976.03 for 2,601.67 SY. Pay item #17 quantities were incorrect due to a math error in the tabulation of quantities. The total was not combined in the bid tabulations for the overbuild asphalt quantities. An additional 1393.76 TN was necessary at a cost of \$120.40 per TN, totaling \$167,808.70. After installing the new sidewalk and barrier wall along the Roebuck Road overpass, it was determined that an existing drainage issue needed to be resolved by changing the pitch of the sidewalk and providing drainage holes in the barrier wall, totaling \$37,948.04. The contract was approved on September 26, 2017, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance at the time. The SBE goal for all contracts was 15%. Hardrives committed to 16% SBE participation. The SBE participation for Change Order No. 14 is 0%. The cumulative SBE participation for this Project, including this change order, is 16.4%. The contract work is complete and the final inspection was done on October 9, 2020. This is the final change order for this Project. Districts 2 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to approve: a contract with Ranger Construction Industries, Inc. (Ranger) in the amount of \$2,944,204.48 for the construction of Florida Mango Road, Edgewater Drive to south of Barbados Road (Project). **SUMMARY:** Approval of this contract will provide the construction services necessary to remove and replace the existing concrete bridge over the Lake Worth Drainage District L-8 Canal and widen the existing road from two lanes to a three-lane roadway. The Affirmative Procurement Initiative selected for this contract on February 3, 2021, by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. Ranger has agreed to 21.43% SBE participation and was the lowest responsive bidder of four bidders. The contract time for the Project is 365 calendar days. Ranger is a Palm Beach County based company. **This Project is included in the Five-Year Road Program and the infrastructure sales tax.** District 3 (YBH)

7. Staff recommends motion to:

A) adopt a resolution approving a County Incentive Grant Program (CIGP) locally funded agreement and a three party escrow agreement with the State of Florida Department of Transportation (FDOT) for construction and construction engineering inspection (CEI) of SR-809/Military Trail at Forest Hill Boulevard (Project);

B) approve a CIGP locally funded agreement in the amount of \$2,769,834 with FDOT for the construction and CEI of the Project; and

C) approve a three party escrow agreement with FDOT and the State of Florida Department of Financial Services, Division of Treasury, to establish an escrow account for the construction and CEI of the Project.

SUMMARY: Approval of the CIGP agreement will authorize a total payment of \$2,769,834 to FDOT to be held in escrow. The payment of \$2,769,834 is to be paid within 30 days of execution of this CIGP agreement. This payment is for Palm Beach County's (County) 50% share of the construction and CEI cost for the Project, which has an estimated total cost of \$5,539,668. The Project will provide the construction of turn lane improvements on all approaches of the intersection. If total costs exceed this amount, the excess amount will be paid equally by FDOT and the County. The Project's construction and CEI will be administered by FDOT. The Board of County Commissioners approved a locally funded agreement and three party escrow agreement for the design phase of the Project on March 14, 2017 as R2017-0244 and R2017-0245, and for the right-of-way acquisition phase on January 15, 2019 as R2019-0022 and R2019-0023. Approval of the escrow agreement will allow County funds to be deposited into an escrow account that has been established by FDOT for the Project. Districts 2 & 3 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. Staff recommends motion to approve:

A) a Work Task Order (WTO) to the Annual Construction Engineering Inspection (CEI) Professional Services Contract dated July 13, 2021 (Contract) with Mehta and Associates, Inc. (MAI) in the amount of \$183,991.50 for CEI services regarding construction of Belvedere Heights Phase I (Project); and

B) a budget amendment of \$275,000 in the Capital Outlay Fund to recognize reimbursement funding from Westgate Belvedere Homes Community Redevelopment Agency (Westgate CRA) and appropriate it to the Project.

SUMMARY: Approval of this WTO will authorize the professional services necessary for CEI of the construction of the Project. In an interlocal agreement (R2021-0224), dated February 9, 2021, the Westgate CRA agreed to pay all funds necessary for the CEI of the Project. Approval of this budget amendment will recognize the reimbursement funding from the Westgate CRA. The Affirmative Procurement Initiatives selected for this Contract on November 6, 2019, by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. MAI agreed to 20% SBE participation for the Contract. They agreed to 22.86% SBE participation for this WTO. The cumulative SBE participation to date for the Contract including this WTO is 22.86%. MAI has an office in Palm Beach County. District 2 (YBH)

9. Staff recommends motion to adopt: a resolution abandoning any public interest in the utility easement recorded in Official Record Book 5490, Pages 1052-1056 and lying in Parcel A, Polo Club Shops Replat, according to the plat thereof, as recorded in Plat Book 113, Pages 151 and 152 (Abandonment Site), Public Records of Palm Beach County (County). **SUMMARY:** Adoption of this resolution will eliminate the public dedication that is in conflict with a future right-of-way dedication to the County by Jamestown PCS LP for the expanded intersection of Military Trail and Clint Moore Road. This site was originally developed with a utility easement granted to Palm Beach County. The utility easement was created by the separate instrument recorded in Official Record Book 5490, Pages 1052-1056 which created a blanket easement over the entire site, lessing out the building footprints. Over the years, this easement needed to be amended as building footprints were changed. It has now been determined that the best path forward is to eliminate the public interest in the entire utility easement to avoid conflicts with future building changes and with the current proposed right-of-way dedication. Replacement easements will be dedicated during the permitting process. All reviewing agencies and utility service providers have approved this abandonment and the utility easement serves no present or future public purpose. The Abandonment Site is located on the west side of Military Trail, north of Clint Moore Road. District 5 (YBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a third amendment to agreement for Legal Services (Amendment) with Kaplan, Kirsch and Rockwell, LLP (Kaplan), exercising the second and final renewal period from August 31, 2021 through August 30, 2023 and increasing the not-to exceed contract amount by \$200,000. **SUMMARY:** On January 10, 2021, the Federal Aviation Administration (FAA) issued a Final Agency Decision, finding the jet restriction at the Palm Beach County Park Airport (Lantana Airport) is not grandfathered under the Airport Noise and Capacity Act, is unreasonable and unjustly discriminatory, and finding the County to be in violation of its grant assurance obligations. The Board of County Commissioners voted to appeal the FAA's final determination at its February 9, 2021 meeting. The current agreement with Kaplan will expire August 31, 2021. This Amendment provides for the exercise of the final renewal option, extending the term of the agreement by an additional two years to August 30, 2023, and increases the not-to exceed contract amount by \$200,000 for a total not-to exceed amount of \$475,000, which will provide for the continuation of expert aviation legal services. This Amendment also adds the e-verify employment eligibility language. Countywide (AH)

2. **Staff recommends motion to approve:** a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$90,000 in the personal injury action styled Tatyana Bell vs. Palm Beach County, Case No. 50-2018-CA-010424-XXXX-MB. **SUMMARY:** This is a personal injury lawsuit arising from a bicycle accident on a Palm Beach County sidewalk in Jupiter Farms that occurred on September 4, 2014, while Palm Beach County's Road and Bridge employees were performing tree maintenance. Plaintiff fell off her bike after contact with the debris on the sidewalk from the tree maintenance and sustained injuries to her neck, back, right shoulder and right hip. Countywide (AMC)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

1. Staff recommends motion to receive and file:

A) contracts for Provision of Services with the below-listed agencies, for a total amount of \$2,040,000, for the provision of food services and Rapid Response Eviction Assistance Program (RREAP) services for Palm Beach County (PBC) residents who are adversely impacted by the COVID-19 pandemic, under the Coronavirus Aid, Relief and Economic Security (CARES) Act:

1. Gulfstream Goodwill Industries, Inc., for the period December 28, 2020 through January 31, 2022, in an amount not-to-exceed \$240,000, for the provision of food services to PBC residents who are experiencing homelessness at the COVID-19 shelter located in the City of Pahokee;
2. Legal Aid Society of Palm Beach County, Inc., for the period March 1, 2021 through September 30, 2022, in an amount not-to-exceed \$1,000,000, for the provision of RREAP services to assist PBC residents who are facing eviction due to the COVID-19 pandemic; and
3. Florida Rural Legal Services, Inc., for the period March 1, 2021 through September 30, 2022, in an amount not-to-exceed \$800,000, for the provision of RREAP services to assist PBC residents who are facing eviction due to the COVID-19 pandemic.

B) amendments to Subrecipient Agreements with the below-listed agencies, for a total funding increase of \$919,023 for a total amount of \$1,849,023, to extend the end date from March 27, 2022 to September 30, 2022, for the provision of homeless prevention services under the CARES Act:

1. Amendment No. 1 with The Salvation Army (R2021-0027), to increase funding by \$101,091 for a new total amount not-to-exceed \$201,091;
2. Amendment No. 1 with Vita Nova, Inc. (R2021-0029), to increase funding by \$137,852 for a new total amount not-to-exceed \$277,782;
3. Amendment No. 1 with The Lord's Place, Inc. (R2021-0028), to increase funding by \$238,953 for a new total amount not-to-exceed \$479,083;
4. Amendment No. 1 with Farmworker Coordinating Council of Palm Beach County, Inc. (R2021-0026), to increase funding by \$45,951 for a new total amount not-to-exceed \$95,951;

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

1. Staff recommends motion to receive and file: (Cont'd)

5. Amendment No. 1 with Catholic Charities of the Diocese of Palm Beach, Inc. (R2021-0024), to increase funding by \$192,993 for a new total amount not-to-exceed \$392,933;

6. Amendment No. 1 with Adopt-A-Family of the Palm Beaches, Inc. (R2021-0025), to increase funding by \$202,183 for a new- total amount not-to-exceed \$402,183.

SUMMARY: On June 8, 2020, Palm Beach County received additional funding in special Emergency Solutions Grant (ESG) Program funds to be used to prevent, prepare for and respond to the coronavirus pandemic (COVID-19) among individuals and families who are homeless or receiving homeless prevention assistance services. The funds assisted approximately an additional 40 unduplicated families with food services, 242 unduplicated households with short-to medium-term rental and utilities assistance, and 590 unduplicated individuals with RREAP services. The different contract period dates were based on the contract negotiations with the agencies. The contracts and amendments were executed by the County Administrator in accordance with Agenda Item 6C-3, dated May 5, 2020, which delegated signature authority to the County Administrator or designee. 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. Ms. Tyrina Pinkney, an employee of The Lord's Place, Inc., and Ms. Kimberly Rommel-Enright and Ms. Kristina Rowe, both employees of Legal Aid Society of Palm Beach County, Inc., are members of the Palm Beach County HIV CARE Council. Joshua Butler, an employee of Gulfstream Goodwill Industries, Inc. is a member of the Homeless Advisory Board. These boards provide no regulation, oversight, management, or policy-setting recommendation regarding the subject contract or transactions. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. **No County funds are required.** (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve:

A) a Use of Facility Agreement for Government Entities with The Village of Royal Palm Beach (Meal Site), at no cost to the County, for the three year period August 17, 2021 through August 16, 2024, to provide a congregate meal site for seniors at The Village of Royal Palm Beach facility;

B) a Use of Facility Agreement for Non-Government Entities with Glades Pioneers, Inc. d/b/a Glades Pioneer Terrace (Meal Site), at no cost to the County, for the three year period August 17, 2021 through August 16, 2024, to provide a congregate meal site for seniors at Glades Pioneer Terrace facility; and

C) a Use of Facility Agreement for Non-Government Entities with the McCurdy Senior Housing Corporation (Meal Site), at no cost to the County, for the three year period August 17, 2021 through August 16, 2024, to provide a congregate meal site for seniors at the Quiet Waters facility.

SUMMARY: The Division of Senior and Veteran Services (DSVS) receives federal funds from the Older Americans Act (OAA) to provide congregate meal sites. These agreements enable DSVS to operate congregate meal sites for seniors at no cost to the County for space and/or energy usage. The Meal Sites will recruit volunteers to operate the sites. DSVS will provide training for the volunteers. Meals and necessary food-related services and supplies shall be furnished by the County through its designated food service vendor, subject to the availability of funds. The meal sites were closed for calendar year (CY) 2020 and currently remain closed due to COVID-19. The OAA grant requires that the Use of Facility Agreements be in place prior to reopening. Seniors receiving home delivered meals prior to and during the COVID-19 pandemic are continuing to do so without interruption in services. Meals are currently being managed through home delivery. The Village of Royal Palm Beach served 8,733 meals to seniors in CY 2019. Glades Pioneers, Inc. served 4,926 meals to seniors in CY 2019. McCurdy Senior Housing Corporation served 3,149 meals to seniors in CY 2019. The estimated total cost of the meals is \$64,982 and is funded under the OAA in the amount of \$58,484 (90%) and \$6,498 (10%) in County match. Sufficient funding is included in the current budget to meet County obligations. DOSS is responsible for providing services north of Hypoluxo Road. The areas of service exclude portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road. The Mae Volen Senior Center, Inc. is responsible for providing services in the excluded areas. **No additional County funds are required.** (Division of Senior Services) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) a Subrecipient Agreement for Ryan White HIV/AIDS Program (RWHAP) Part A Core Medical and Support Services with FoundCare, Inc., for the provision of services to improve health outcomes for persons with HIV, for the three year period March 1, 2021 through February 29, 2024, in an amount not-to-exceed \$8,593,146, of which \$2,864,382 is budgeted in grant year (GY) 2021 with an anticipated annual allocation of \$2,864,382 in each subsequent grant year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), subject to funding approval by the U.S. Department of Health and Human Services (HHS), Health Resources Services Administration (HRSA); and

B) an Interlocal Agreement with the Florida Department of Health in Palm Beach County (FDOH), for the provision of services to improve health outcomes for persons with HIV, for the three year period March 1, 2021 through February 29, 2024, in an amount not-to-exceed \$1,508,700, of which \$502,900 is budgeted in GY 2021, with an anticipated annual allocation of \$502,900 in each subsequent grant year, contingent upon a budgetary appropriation by the BCC, subject to funding approval by the HHS, HRSA.

SUMMARY: These agencies were selected and recommended for subawards through a Notice of Funding Opportunity process. These agreements will provide services for persons with HIV and will include medical and non-medical case management, pharmaceutical assistance, oral healthcare, housing and financial assistance, health insurance assistance, and nutrition services. The program will serve Palm Beach County residents, including priority minority populations through the Minority AIDS Initiative program. The finalization of the agreements was delayed due to an extended review of the agency's scope of work and budget. Under this agreement, FoundCare will serve 635 clients in early intervention services and 362 clients in oral health services. Under this agreement, FDOH will serve 178 clients in non-medical case management services and 136 clients in psychosocial support services. In GY 2020, RWHAP enabled these agencies and others to collectively serve 3,100 clients, and are expected to serve a total of 3,400 clients in GY 2021 and in each subsequent grant year for the term of the agreement. Eighty-five percent of RWHAP clients have attained suppressed viral loads, as compared to 65% of the general population, and are no longer spreading HIV. Ms. Lillia Perez, an employee of Foundcare Inc., and Hector Bernardino and Christopher Bisch, employees of FDOH, are members of the Palm Beach County HIV CARE Council. This board provides no regulation, oversight, management, or policy-setting recommendation regarding the subject contracts or transactions. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. **These are RWHAP Part A funds, which require no local match.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: an Interlocal Subrecipient Agreement with the Palm Beach County Housing Authority (PBCHA), for the period April 1, 2021 through March 31, 2022, in an amount not-to-exceed \$77,132, for the provision of housing, health and support services for persons living with HIV/AIDS in Palm Beach County who were adversely impacted by the COVID-19 pandemic under the Coronavirus Aid, Relief, and Economic Security Act. **SUMMARY:** A revised notice of award was received from the U.S. Department of Health and Human Services, Health Resources and Service Administration to respond to the COVID-19 pandemic. The PBCHA will provide emergency housing services for persons living with HIV/AIDS. The funds will be used to serve approximately eight persons living with HIV/AIDS with emergency housing, and core medical and support services to improve health outcomes. The finalization of the agreements was delayed due to an extended review of the agency's scope of work and budget. **These are Ryan White Part A grant funds, which require no local match.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to:

A) receive and file a revised Notice of Award (NOA) No. 6 UT89HA33954-02-02 from the U.S Department of Health and Human Services, Health Resources and Services Administration (HRSA), for the grant period March 1, 2021 through February 28, 2022, in the amount of \$1,396,646 for the federal grant program Ending the HIV Epidemic (EHE); and

B) approve Amendment A-1 to the Standard Contract (R2020-1540) with the State of Florida, Department of Health, for the period July 1, 2020 through June 30, 2022, to amend the contract to include language regarding the use of the E-Verify system to verify the work authorization of all newly hired employees.

SUMMARY: The revised NOA No. 6 UT89HA33954-02-02 from the U.S Department of Health and Human Services, HRSA, for ending the EHE program removes one or more grant conditions as noted in the terms and condition section of the NOA. This grant focuses on reducing HIV infection by 90% in the United States by the year 2030. To accomplish the goal of ending the epidemic, Palm Beach County will use the award to engage in three main activities: Telehealth Adherence Counseling (TAC), Community Outreach, Response and Engagement Teams, and Rapid Entry to Care. Telehealth platforms are used to help keep persons with HIV adherent to their care plans and medication through TAC services. Approximately 500 clients will be served through TAC services. The State of Florida Department of Health Amendment A-1, through the Housing Opportunities for Persons with AIDS, provides housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. The amendment is needed to comply with Ch. 20-149, Laws of Florida, which created Section 448.095 Florida Statutes to require all public employers, contractors and subcontractors to register with and use the E-Verify system to verify the work authorization status of all newly hired employees. Under this agreement, approximately 250 clients will be served. **No County funds are required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to receive and file:

A) contracts for Provision of Services with the below listed agencies, for the period May 3, 2021 through December 31, 2021, in an amount totaling \$60,000, for the provision of mobile bus unit services for Palm Beach County residents who were adversely impacted by the COVID-19 pandemic and are applying for rental and utilities assistance under the Emergency Rental Assistance Program (ERAP - COVID-19), established into law through Section 501, Division N, Consolidated Appropriations Act 2021, Public Law No. 116-260:

1. Estella's Brilliant Bus, A Class Act Learning Center, Inc., in an amount not-to-exceed \$30,000;
2. GBDC Entrepreneurship Institute, Inc., in an amount not-to-exceed \$30,000; and

B) contracts for Provision of Services with the below listed agencies, for the period March 10, 2021 through December 31, 2021, in an amount totaling \$257,500, for the provision of navigation services for Palm Beach County residents who were adversely impacted by the COVID-19 pandemic and are applying for rental and utilities assistance under ERAP - COVID-19:

1. Adopt-A-Family of the Palm Beaches, Inc. (AAF), in an amount not-to-exceed \$25,000;
2. Farmworker Coordinating Council of Palm Beach County, Inc. (FCC), in an amount not-to-exceed \$12,500;
3. The Lord's Place, Inc. (TLP), in an amount not-to-exceed \$50,000;
4. Pathways to Prosperity, Inc. (PTP), in an amount not-to-exceed \$50,000;
5. United Way of Palm Beach County, Inc. (UW), in an amount not-to-exceed \$20,000; and
6. Palm Beach County Housing Authority (PBCHA), in an amount not-to-exceed \$100,000.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. **(Cont'd) SUMMARY:** On March 9, 2021, the Board of County Commissioners allocated funding to the Community Services Department to provide rental and utility assistance to individuals and families through ERAP – COVID-19. These funds are being used to address the economic impact of the COVID-19 pandemic in Palm Beach County. Funding was made available for eligible entities to implement the navigation component of the ERA – COVID-19. The above listed agencies will assist clients with navigation services, including through a mobile bus program, and will collectively serve approximately 2,633 unduplicated families and individuals. ERAP – COVID-19 provides up to 12 months rental and utility assistance to eligible Palm Beach County residents who have experienced loss of income, reduction in hours of employment, or unemployment as a result of the COVID-19 pandemic. The agencies will perform application navigation and review services to provide clients with application submittal assistance. Whitney Davis, an employee of TLP and Miguel Vazquez, an employee of the PBCHA are members of the Palm Beach County HIV CARE Council. Carol Jones-Gilbert, an employee of the PBCHA is a member of the Community Action Advisory Board and the Homeless Advisory Board. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section. 2-443, of the Palm Beach County Code of Ethics. The Director of Purchasing has authority to execute these agreements pursuant to Section 2-54(f)(4) of the Palm Beach County Code. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. **No County funding is required.** (Community Services) Countywide (HH)

7. **Staff recommends motion to approve:** an Interlocal Agreement with Palm Beach State College (PBSC), for the period May 1, 2021 through September 30, 2022, in an amount totaling \$15,000, to provide services in the economic stability service category. **SUMMARY:** The Community Services Department (CSD), Community Action Program (CAP) received an award from the State of Florida's Community Services Block Grant (CSBG). The CSBG program provides services to Palm Beach County's low-income residents. CAP selected PBSC to provide up to 1,050 instructional hours of vocational training services, including trades and work readiness training, to a minimum of three clients. The finalization of the agreement was delayed due to an extended review of the agency's scope of work. CSD clients will be able to access available programs at PBSC. CSD will pay for tuition and fees for clients. Vocational training classes include commercial driver's license and construction trades, barbering, cosmetology, heavy equipment mechanic, network security, patient care assistant, support technician and welding. Qualified clients must be residents of Palm Beach County and meet the federal poverty level guidelines. This is a new interlocal agreement with PBSC. **No County funds are required.** (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. Staff recommends motion to approve: the reappointments of two members to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council:

<u>Seat No.</u>	<u>Appointment</u>	<u>Term Expires</u>
11	Ashaki Sypher	08/16/24
12	Lysette Perez	08/16/24

SUMMARY: The Palm Beach County HIV CARE Council (HIV CARE Council) nomination process is an open process with publicized criteria and legislatively defined conflict of interest standards. Ms. Ashaki Sypher and Ms. Lysette Perez have successfully completed the HIV CARE Council's nomination process and the HIV CARE Council recommends the appointments. The total membership for the HIV CARE Council shall be no more than 33 at-large members, per Resolution No. 2011-1560. Ms. Sypher is an employee of Families First of Palm Beach County and Ms. Perez is an employee of Compass, Inc. Both agencies contract with the County for services. The HIV CARE Council provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach Code of Ethics. The diversity count for the 23 seats that are currently filled is African-American: 11 (48%), Caucasian: 7 (30%), Hispanic-American: 4 (17%), and Asian-American: 1 (5%). The gender ratio (female: male) is 14:9. Ms. Sypher is African-American and Ms. Perez is Hispanic-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: Amendment No. 6 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) exercising the first one year renewal option for the continuation of services. **SUMMARY:** The Contract with MGI for CM at Risk Services for Miscellaneous Airport Improvements for the Department was approved by the Board on August 20, 2019 (R2019-1221). The Contract is for two years with three one year renewal options and is a task/work order based contract for CM at Risk services for the Department. MGI is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. This solicitation for CM contractors was advertised on September 23, 2018, according to the Small Business Enterprise (SBE) Ordinance in place at the time, with a 15% SBE goal. Morganti is on notice that all Guaranteed Maximum Price issued pursuant to this contract will be subject to the requirements of the Equal Business Opportunity Ordinance, including requesting Affirmative Procurement Initiatives be set prior to bidding the subcontracts. MGI along with their S/MBE teaming partner Cooper Construction Management and Consulting, Inc. (Cooper) were one of two firms selected to provide project management and construction supervision services. The Contract value to date is \$5,922,833.37. Approval of Amendment No. 6 will allow the County, at its sole discretion, to exercise the first one year renewal option for the continuation of services provided under the CM at Risk Contract. The current cumulative S/M/WBE subcontractor participation for all work orders to-date under this contract is 39%. In addition, MGI's S/MBE teaming partner, Cooper, will provide 15% of the Construction Management Fees. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 1 to the General Consulting Agreement with HDR Engineering, Inc. (HDR) for Consulting/Professional Services, to exercise the first one year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement with HDR for general airport planning and design was approved by the Board on August 20, 2019 (R2019-1157) in the amount of \$960,107 in order to carry out the approved Capital Improvement Programs for the County's Airports. Approval of Amendment No. 1 will allow the County, at its sole discretion, to exercise the first one-year renewal option for the continuation of services provided under this agreement. HDR is an Omaha, Nebraska based firm; however, the majority of the work to be completed in this agreement will be managed through their West Palm Beach, Florida office in conjunction with several Palm Beach County-based and South Florida-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 20% was set for this contract. HDR committed to 20% DBE participation for this agreement. The current paid to date DBE participation is approximately 14%. The DBE participation for this amendment is 0% as no new tasks are being proposed. As new tasks are developed and approved throughout the period of performance for this agreement, the overall DBE participation is expected to increase in order to satisfy HDR's commitment of 20%. Countywide (AH)
3. **Staff recommends motion to receive and file:** Consent to Sublease (Consent), consenting to the sublease of office and hangar space by Atlantic Aviation – West Palm Beach LLC d/b/a Atlantic Aviation PBI (Atlantic) to Southern Aviation Systems LLC, at the Palm Beach International Airport (PBI) effective April 1, 2021. **SUMMARY:** Atlantic provides fixed based operator services for general aviation aircraft at PBI pursuant to a Lease Agreement dated October 18, 2000 (R2000-1067, as amended). The lease agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)
4. **Staff recommends motion to receive and file:** Terminal Space Lease Agreement (Agreement) with G2 Secure Staff, LLC (G2), commencing June 15, 2021, and terminating on September 30, 2021 (Initial Term), and automatically renewing on an annual basis each October 1st to September 30th until canceled, for G2 to lease approximately 193 square feet of office space at the Palm Beach International Airport (PBI) terminal building for payment of rent in the amount of \$3,937.54 for the Initial Term. **SUMMARY:** G2 provides support services to airlines at PBI and leased office space to further their business operations. Delegation of authority for execution of the standard form Terminal Space Lease Agreement was approved by the Board pursuant to R2018-0995. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve: a Declaration of Easement (Declaration) for water utility improvements serving County-owned property at the Palm Beach International Airport (PBI). **SUMMARY:** The Palm Beach County Water Utilities Department is requesting the Declaration to memorialize the existence of water transmission and distribution facilities on a portion of PBI and provides for the installation, operation and maintenance of these facilities. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to:

A) adopt a resolution delegating authority to the County Administrator or designee to provide economic relief to eligible concessionaires from certain payments under airport concession agreements, subject to reimbursement by the Federal Aviation Administration (FAA) in accordance with applicable grant requirements; providing for severability; and providing for an effective date;

B) receive and file FAA Airport Coronavirus Relief Grant Program (ACRGP) Concessions Relief Addendum, ACRGP Addendum Number 3-12-0085-067-2021 (Addendum), to FAA Grant Agreement Number 3-12-0085-066-2021 (R2021-0740) (Grant), to further allocate \$741,134 to fund concession relief. Delegation of authority for execution of this grant was approved by the BCC on August 25, 2020 (R2020-1017). This Addendum is effective as of July 26, 2021, with an expiration date of April 7, 2025; and

C) approve a budget amendment of \$741,134 in the Airport's Improvement and Development Fund to recognize the receipt of the additional grant funds from the FAA; including a transfer to Reserves in the amount of \$741,134.

SUMMARY: This resolution authorizes the County Administrator or designee to provide economic relief to eligible airport concessionaires from certain payments under airport concession agreements subject to full reimbursement from the FAA in accordance with ACRGP adopted under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) (Public Law 116-260) and American Rescue Plan Act (ARPA) (Public Law 117-2). The FAA concessions relief grant programs provide relief to eligible concessionaires in the form of credits against amounts payable to an airport sponsor, which are fully reimbursed by the FAA and do not require a local match. Approval of the resolution will enable the Department of Airports to administer the program in accordance with grant requirements without requiring Board action on each individual item and provide relief to eligible concessionaires on an expedited basis. The FAA issued the Addendum to provide relief to concessions operating at the Palm Beach International Airport in accordance with CRRSA. The Addendum began on July 26, 2021, and expires on April 7, 2025, which is the period of performance for the Grant. The Director of the Department of Airports will be considered a designee for purposes of this resolution. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to receive and file: the Northern Riverwalk Community Development District Fiscal Year 2022 proposed budget. **SUMMARY:** The Northern Riverwalk Community Development District has submitted their proposed budget for Fiscal Year 2022 as per Section 163.356(3)(d), Florida Statutes. Countywide (DB)
2. Staff recommends motion to receive and file: the Fiscal Year 2021/2022 Proposed Budget for Children's Services Council of Palm Beach County. **SUMMARY:** The Children's Services Council has submitted their Fiscal Year 2021/2022 Proposed Budget as per Section 163.356(3)(d), Florida Statutes. Countywide (DB)
3. Staff recommends motion to receive and file: the Quarter Ending 6-30-2021 information for Children's Services Council of Palm Beach County. **SUMMARY:** The Children's Services Council has submitted their Quarter Ending 6-30-2021 information as per Section 163.356(3)(d), Florida Statutes. Countywide (DB)
4. Staff recommends motion to receive and file: Audit Report for the Fiscal Year ending September 30, 2020 from the Delray Beach Community Redevelopment (CRA). **SUMMARY:** The Delray Beach CRA has submitted its Audit Report for the Fiscal Year ending September 30, 2020 as per Section 163.356(3)(d), Florida Statutes. Countywide (DB)
5. Staff recommends motion to:

A) approve request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2021 tax roll to be extended prior to completion of the Value Adjustment Board (VAB) hearings; and

B) direct the VAB to certify the assessment roll pursuant to Section 193.122, Florida Statutes and as otherwise required by applicable law.

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2021, and will permit the collection of property taxes prior to completion of the VAB hearings. Countywide (DB)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to approve: appointment of the following individual to the County Infrastructure Surtax Independent Citizen Oversight Committee for the term August 17, 2021, to April 30, 2023:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Erica Palmisano	8	Economic Council of Palm Beach County

SUMMARY: On December 20, 2016, the Board of County Commissioners created the Infrastructure Surtax Independent Citizen Oversight Committee (Surtax Committee). The Surtax Committee will meet quarterly, issue an annual report, may make recommendations to the Board, and ensure that the proceeds of the surtax are expended for the purposes set forth in the ballot measure and are in compliance with the County's surtax plan. The Surtax Committee has 19 seats. Out of the current 16 positions filled, the diversity count is: 2 African-American (13%); 1 Hispanic (6%); and 13 Caucasian (81%). The gender ratio (female: male) is 7:9. Countywide (MJ)

7. Staff recommends motion to receive and file: interlocal agreements between Palm Beach County Board of County Commissioners (County) and 28 municipalities located within Palm Beach County in the amount for \$3,845,797.25 from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Relief Fund for the Municipal CARES Act Reimbursement Program. **SUMMARY:** Pursuant to the CARES Act Relief Fund program, the County received an automatic payment of \$261,174,823 on April 23, 2020. The County determined that it is in the public's best interest to reimburse municipalities for their procurement and expenditure of COVID-19 related goods or services with CARES Act funds received by the County. The County created a Municipal CARES Act Reimbursement Program and reimbursed municipalities \$3,845,797.25 for eligible expenditures. Countywide (AH)

3. CONSENT AGENDA APPROVAL

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

8. Staff recommends motion to approve: the following budget amendments and transfers:

A) budget amendment of \$6,347,199 in School Impact Fee Zone 1 to recognize additional impact fee revenues collected in FY 2021 and transfer from Impact Fee Zone 1 reserve account to the appropriation account for \$2,446,729;

B) budget amendment of \$6,460,115 School Impact Fee Zone 2 to recognize additional impact fee revenues collected in FY 2021 and budget transfer from Impact Fee Zone 2 reserve account to the appropriation account for \$5,195,255;

C) budget amendment of \$6,003,929 School Impact Fee Zone 3 to recognize additional impact fee revenues collected in FY 2021 and budget transfer from Impact Fee Zone 3 reserve account to the appropriation account for \$5,104,361; and

D) budget amendment of \$3,476,826 School Impact Fee Zone 4 to recognize additional impact fee revenues collected in FY 2021 and budget transfer from Impact Fee Zone 4 reserve account to the appropriation account for \$2,678,461.

SUMMARY: These budget amendments and transfers recognize school impact fee revenues as of July 29, 2021 and allow for their appropriation so that the County may remit funds to the Palm Beach County School District in accordance with Article 13 of the Unified Land Development Code. Countywide (RB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a License and Indemnity Agreement (Agreement) with WPB 303 Banyan Apartments, LLC (Banyan) pursuant to which the County will permit Banyan to utilize the air space above County property to operate a crane to facilitate a construction project on property abutting County property. **SUMMARY:** Banyan is the owner of the property on which the construction project located at 202 N Dixie Highway, West Palm Beach, FL 33401, is taking place. This property abuts the Government Center Parking Garage located at 215 N Olive Avenue. In exchange for permitting Banyan's access to the air space above the County's property, County is able to ensure Banyan maintains adequate protections for safety, indemnification, and insurance. The amount of insurance to be maintained by Banyan's contractors is \$22M. Banyan is only permitted to operate the arc and boom portion of the crane above County property. Banyan is not permitted to swing any material being hoisted over County property. The term of this Agreement is until June 1, 2022, the time it will take to complete the construction project. This Agreement may only be terminated by mutual agreement of the parties, Banyan providing written notification it no longer requires the use of the crane, expiration of the insurance Banyan's contractors are required to maintain, or expiration of the Term. (FDO Admin) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 1 to the Developer and Operator Agreement (R2021-0148) (the Agreement) with the West Palm Beach Housing Authority (WPBHA) for the Cottage Homes Project to extend the date by which WPBHA is to complete design and permitting from September 13, 2021 to January 11, 2022. **SUMMARY:** On January 12, 2021, the Board of County Commissioners (Board) approved the Agreement with the WPBHA for the development, ownership and operation of a small lot housing pilot project upon 1.36 acres of County owned real property fronting Military Trail and Clemens Street in western Lake Worth Beach (commonly referred to as the Cottage Homes Project). Under the Agreement, WPBHA is to improve the property with 17 detached housing structures, a community center, ancillary parking and other customary site improvements, and the County will provide up to \$3.973M in Infrastructure Sales Tax funding for the development and construction. The County also agreed to convey ownership the property to the WPBHA at the time of construction permit issuance. Under Section 24.2 of the Agreement, WPBHA has until September 13, 2021 to complete the design and permitting process or either party may terminate the Agreement. WPBHA has requested until January 11, 2022 to complete the design and permitting process, due to delays experienced by WPBHA. WPBHA notes that the initial project schedule was overly ambitious and the time required to negotiate the design contracts and complete design doubled, leading to delays. WPBHA has also expressed that its initial project timeline failed to fully account for the impact that the COVID19 pandemic would have on the construction industry, including an unforeseen and significant increase in new construction, labor and material shortages and availability of design professionals in light of industry volatility - a statement that staff agrees with. Amendment No. 1 to the Agreement will give WPBHA until January 11, 2022 to complete the design and permitting process for the Cottage Homes Project. The revised project schedule reflects the delays experienced during the contracting and design phases, while retaining projected duration for the upcoming phases consistent with WPBHA's original proposal. This extension will still keep the facility opening in FY 2023 although at a later date than previously represented to the Board at the time of approval of the Agreement. FDO staff will continue to work with WPBHA to ensure timely progress on the Cottage Homes Project. (FDO Admin) District 2/Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 6 to the continuing civil engineering contract with Civil Design, Inc. (Consultant) (R2019-0715) in the amount of \$111,290 to provide design services for the Okeeheelee Parking Improvements project at the bicycle moto cross (BMX) and tennis/pickle ball areas located at Okeeheelee Park, 7715 Forest Hill Boulevard, West Palm Beach. **SUMMARY:** On June 4, 2019, the Board of County Commissioners (Board) approved the continuing civil engineering contract with Civil Design, Inc. for civil engineering services. Professional engineering services for CSA No. 6 shall include design, permitting, bid phase and construction phase services for paving and expanding the parking areas at the BMX and tennis/pickle ball facilities. Accordingly, the project shall include additional lighting, sidewalks and fencing to supplement the expansion of the parking areas. The existing shellrock parking area is in constant need of repair due to heavy usage. The new improvements shall reduce the need for frequent repairs and the associated maintenance cost, and shall provide for years of service. The solicitation for the continuing civil engineering contract was advertised according to the Small Business Enterprise (SBE) Ordinance in place at the time, with final selection taking place on January 24, 2019 with an SBE goal of 15%. The Consultant committed to an SBE participation contract goal of 90%. SBE participation on this CSA is 79.59%. To date the overall SBE participation on this continuing contract is 93.41%. The Consultant is a certified Small/Minority Business Enterprise and a local business. **The funding source for this project is from the Parks Impact Fees Z-2 fund.** (Capital Improvements Division) District 2 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: an annual construction contract with the following contractor for Heating, Ventilation and Air Conditioning (HVAC) services on an as-needed basis through January 6, 2025.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Page Mechanical Group, Inc.	Local	Non-SBE

SUMMARY: On January 7, 2020, the Board of County Commissioners (Board) approved the annual HVAC contract (R2020-0019 through R2021-0059). The work consists of HVAC services related to system and component installations, upgrades, replacements, modifications and repairs. The contractor now joins the list of 15 already prequalified contractors for a total of 16 with a contract expiration date of January 6, 2025. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$5,000,000 across all prequalified contractors. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently 16 have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. The HVAC annual construction contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives of sheltered market for projects under \$100,000 (when at least three Small Business Enterprises (SBE) are qualified under the annual contract) or a SBE contractor will be given a price preference 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 identified on each work order, and will be tracked cumulatively for each work order issued. Current cumulative S/M/WBE participation for all work orders to-date under the HVAC Annual is 33.88%. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

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

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
I.Q. Constructions, Inc.	Local	S/M/WBE

SUMMARY: On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract (R2020-0142 through R2020-0151). The work consists of construction services associated with repairs, improvements and renovations to County properties. The contractor now joins the list of 23 already prequalified contractors for a total of 24 prequalified contractors with a contract expiration date of February 10, 2025. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$5,000,000. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently 24 have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. This annual contract was presented to the Goal Setting Committee on August 21, 2019. The Committee applied the following three Affirmative Procurement Initiatives: 1) sheltered market for projects under \$100,000; or 2) a small business enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid on a single trade project over \$100,000; or 3) a mandatory 25% SBE subcontracting goal for a multi-trade project over \$100,000. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. Current cumulative S/M/WBE participation for all work orders to-date under the minor annual contract is 85.82%. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: annual construction contracts with the following contractors for low voltage services on an as-needed basis through August 16, 2026.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
A) AVI Integrators, Inc. dba Security 101	Non-Local	Non-SBE
B) Fire and Security Solutions Inc.	Local	Non-SBE
C) High End Audio Visual Inc.	Non-Local	Non-SBE
D) Innuvo Inc.	Non-Local	Non-SBE
E) Peerson Audio, Inc.	Local	SBE
F) Protect Video, Inc.	Local	S/MBE
G) Universal Cabling Systems, Inc.	Local	SBE

SUMMARY: The purpose of this annual construction contract is to pre-qualify contractors to provide low voltage services. The work consists of new installations, replacement and/or repair of low voltage services. The specific requirements of the work shall be determined by individual work orders issued against this annual contract. These contracts are five year indefinite-quantity contracts with a maximum cumulative value of \$4,000,000 across all prequalified contractors. Work is to be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors are allowed to qualify at any time and be added to this annual contract. Projects \$100,000 and over are advertised on the vendor self-service website while projects \$200,000 and over are also advertised in the newspaper. Projects under \$100,000 are bid among the pool of pre-qualified contractors (currently seven have pre-qualified) and for projects over \$100,000, the bidding pool is expanded to include any additional bidders responding to the specific project advertisement that submit a qualification application at least ten days before the bid due date. The annual low voltage contract was presented to the Goal Setting Committee on March 17, 2021 and the Committee established Affirmative Procurement Initiatives of sheltered market for projects under \$100,000 or a Small Business Enterprise contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: a sole source contract with Amano McGann, Inc. for installation, service and parts related to the installation of the Judicial Center Parking Garage, and the State Attorney/Public Defender (SA/PA) parking lot system upgrades project in the amount of \$336,974.60 for a period of 60 days from permit issuance. **SUMMARY:** In 2019, the County solicited vendor services for parking garage and parking lot improvements to four parking lots including the Governmental Center Parking Garage, the Judicial Center Parking Garage, the SA/PA Parking Garage and the 4th Street Parking lot. The parking improvements included the addition of barrier gates, card readers and new server and software upgrades. Due to insufficient funds at the time, the Governmental Center Parking Garage and the 4th Street Parking lot were the only two parking lots completed under the solicitation. The newly installed Opus parking access and revenue control system included server hardware and software; automatic vehicle identification readers; communication controllers; and AVI access control cards. This contract authorizes the installation of the Opus parking access and revenue control systems at the entry and exit lanes at the remaining parking garage and parking lot. The equipment required for the installation at the remaining parking garage and parking lot must be compatible with the existing server and software in place to avoid the added cost of procuring a new server, software and equipment. After a comprehensive analysis of the market place, Amano McGann, Inc., as manufacturer and proprietor of the equipment and software, proved to be the only available source capable of providing installation services, repairs, upgrades and parts for the newly installed Opus parking access and revenue control system. In accordance with the Equal Business Opportunity (EBO) ordinance, sole source procurements are exempt from EBO requirements. Amano McGann, Inc is not a local business. The funding source for this project is from the Public Building Improvement fund. (Capital Improvements) District 7 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 2 to the professional services contract with Harvard Jolly, Inc. (Consultant) (R2018-1004) in the amount of \$215,180 to provide design services for the new Aquatic Complex at Lake Lytal Park (Project). **SUMMARY:** On July 10, 2018, the Board of County Commissioners (Board) approved a contract with the Consultant to provide professional architectural/engineering design, permitting and construction administration services for a new aquatic complex at the Lake Lytal Park. At the same time, the Board approved CSA No. 1 (R2018-1005) that authorized the development of a master site plan for the new aquatic center that also includes the co-location of a Young Men's Christian Association of Palm Beaches, Inc. (YMCA) complex. On January 12, 2021, the Board approved a lease agreement (R2021-0147) with YMCA for approximately 5 acres in Lake Lytal Park. CSA No. 2 authorizes architectural site design services for the construction of the new aquatic facility in collocation with the YMCA complex and Skate Park on the western portion of Lake Lytal Park. Professional services shall also include geotechnical surface exploration; a traffic study including traffic generation tables, a road assessment, and traffic impact statement; and civil design services for the entire site. The scope of work under this authorization establishes the guidelines and parameters for the design of each of the named facilities. The overall design and construction administration services will be covered under a separate authorization. This solicitation for design professionals was advertised on August 13, 2017 according to the Small Business Enterprise (SBE) Ordinance in place at the time, with final selection taking place on October 30, 2017. The Consultant is not a certified SBE. The consultant committed to an SBE goal of 30% for this contract and 68.69% for CSA No. 2. To date, the overall SBE participation on this contract is 67.45%. The Consultant has engaged Alan Gerwig & Associates, Inc., as a sub-consultant on this project. Anne Gerwig is a 1% owner of Alan Gerwig & Associates. Ms. Gerwig serves on the Citizens Advisory Committee on Health and Human Services, which is a purely advisory committee of the Board of County Commissioners. The Citizens Advisory Committee provides no regulation, oversight or policy setting recommendations regarding this contract, which was procured competitively. This disclosure is made pursuant to Section 2-443(d) of the Palm Beach County Ethics Code. The Consultant is a local business. **The funding source for this project is from the Infrastructure Sales Tax fund.** (Capital Improvements Division) District 2 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a contract with The Morganti Group, Inc. for the Fire Station No. 40 project in the amount of \$4,547,000 for a period of 365 days from notice to proceed or until project is complete. **SUMMARY:** The work consists of furnishing the labor, equipment, and materials needed to construct a two bay single story prototypical fire station that is approximately 6,700 square feet in size with nine bunk rooms, weight room, kitchen, dayroom, detached generator, dumpster building, water retention systems and associated infrastructure. The new fire station is being constructed within the vicinity of Military Trail and Le Chalet Boulevard to improve response times in the surrounding area. This project was competitively advertised on March 7, 2021 in accordance with the Palm Beach County Purchasing Code and pursuant to the requirements of the Equal Business Opportunity Ordinance. This project was presented to the Goal Setting Committee on February 3, 2021 and the Committee established an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting goal of which 5% must be from a Minority Enterprise Business (MBE) – African or Hispanic for the contract. The contractor is not a certified SBE but submitted 20.12% SBE participation of which 9.56% is MBE on this contract. The contractor is a Palm Beach County business. **The funding sources for this project are from the Fire Rescue Improvement fund and the Fire Rescue Impact Fees fund.** (Capital Improvements Division) District 3 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: an Interlocal Agreement (ILA) with Town of Manalapan (Manalapan) for the use and occupancy of one boat dock at the Ocean Inlet Park Marina (Marina) located at 6990 N. Ocean Blvd. in Ocean Ridge for a period of ten years upon full execution of the agreement at no annual rent. **SUMMARY:** The County is currently in the process of renovating the Marina including the construction of four fixed docks for use by public safety vessels. Two docks are reserved for the Palm Beach Sheriff's Office, another dock for Palm Beach County Ocean Rescue, and Manalapan requested use of the remaining dock #4. This ILA provides a dedicated dock for Manalapan law enforcement. The Manalapan Police Department provides substantial support to the Marina through patrolling, opening/closing gates and being first responders in emergency situations. The initial term of this ILA is for ten years and includes two automatic renewal options of five years each. The ILA is contingent upon the renewal of Submerged Lands Lease No. 50026766 with the State of Florida which is set to expire on October 24, 2022. Manalapan shall reimburse the County up to \$20,000 for the full cost of the lift (Lift Cost); is responsible for its proportionate share of all costs and expenses for any required dredging, and shall maintain the Manalapan dock and lift at its sole cost and expense. County shall be responsible to provide electric and water services at no cost to Manalapan. Either party can terminate for any reason with 30 days' notice. Should County terminate the ILA within five years of the date of issuance of the Certificate of Completion for the docks, the County shall reimburse Manalapan 20% of the Lift Cost per year for every full year remaining in the five year period. If Manalapan terminates the ILA no reimbursement of the Lift Cost is required. The Parks and Recreation Department supports law enforcement presence at the Marina and will be responsible for the administration of the ILA (Property & Real Estate Management) District 4 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve: Change Order No. 9 to Amendment No. 9 to the continuing contract with The Weitz Company, LLC (R2016-0763) for the Lantana Library Renovation project to increase the Guaranteed Maximum Price (GMP) in the amount of \$176,321.13 and extends the project duration by 45 calendar days. **SUMMARY:** On June 21, 2016, the Board of County Commissioners (Board) approved the continuing Construction Manager (CM) contract with The Weitz Company, LLC for construction management services for capital projects. On December 12, 2020, the Board authorized Amendment No. 9, which consists of painting and weatherproofing, new flooring, renovating the restrooms, re-configuring and constructing new interior spaces, and relocating the public computer workstations along with the associated power and data supply. Change Order No. 9 includes the replacement of the existing outdated fire alarm system devices and panels and extends the project duration by 45 calendar days. A separate effort is underway to replace and standardize outdated fire alarm systems throughout the Library Department. Given the renovation project currently underway at the Lantana Branch, Staff finds it to be most efficient to add the fire alarm replacement to the scope of the current renovation project rather than to disrupt branch operations a second time for the implementation of a separate project. The renovation project is extended by 45 calendar days to accommodate the ordering of materials along with additional work requested by the Library Department including the installation of a creation station space, the replacement of the exterior plaza concrete, and the replacement of the fire alarm system referenced herein. The continuing CM contract was awarded pursuant to the Small Business Enterprise (SBE) ordinance but this GMP, having been initiated after January 1, 2019, is subject to the requirements of the Equal Business Opportunity ordinance. The CM is not an SBE. The continuing CM contract was presented to the Goal Setting Committee on February 20, 2019 and an Affirmative Procurement Initiative of 20% SBE participation was applied to the contract. There is no SBE participation for Change Order No. 9 to Amendment No. 9; overall SBE participation under this contract is 21.73%. The Weitz Company, LLC is a local business. This amendment will be funded from the Library Expansion Program fund. (Capital Improvements Division) District 3 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: a first amendment to Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC (OPRM) for the operation of a food and beverage concession at Osprey Point Golf Course in Burt Aaronson South County Regional Park: (i) reducing the rental rate; (ii) approving change in ownership interest; (iii) updating the Special Activities Provision; and (iv) updating, adding and modifying various standard County provisions. **SUMMARY:** The Osprey Point Golf Course in Burt Aaronson South County Regional Park clubhouse was redesigned to include a new restaurant. In April 2019, a Request for Proposals was issued for the operation of a food service concession. On July 25, 2019 the Board of County Commissioners (Board) approved the Concessionaire Lease Agreement (R2019-1060) with OPRM for a term of three years plus two two-year options to extend at an annual rent of \$60,000/year with yearly 3% increases. On May 19, 2020, pursuant to COVID 19 Local Emergency Order 2020-00, Palm Beach County closed all parks to the public. In May 2020, the Board of County Commissioners (Board) approved rental abatement for the months of March, April and May (partial) 2020 for OPRM due to the impacts of COVID-19 and the temporary closure of park facilities. The fiscal impact of the rental abatement approved in May 2020 amounted to \$6,129. Although parks have reopened, OPRM continues to experience low customer interest and requests additional rental relief. Staff recognizes that OPRM's business and operations have been severely impacted by COVID-19 restrictions, and the Parks and Recreation Department (Parks) supports OPRM's request for modifications to the rent in order to retain food and beverage services for its customers and guests. OPRM paid rent from May through October 2020 (total rent paid \$27,558). PREM and Park staff recommend rental abatement for the period of November 1, 2020 through October 31, 2021; and a rent discount of 50% of the pre-abatement value for the period of November 1, 2021 through October 31, 2022 resulting in an annual rent of \$30,900 (\$2,575/month). For the period of November 1, 2022 through August 31, 2023, the rent will revert to its pre-abatement value of \$51,500 (\$5,150/month). Thereafter, the 3% yearly adjustments will resume resulting in an annual rent of \$63,654 (\$5,304.50/month) for the period of September 1, 2023 through August 31, 2024. The fiscal impact of the rental abatement and rent discount recommended in this item amounts to \$95,181; combined with the previously authorized rent abatement it totals \$101,310. In addition, OPRM notified the County of a change in ownership and OPRM provided the required Disclosure of Beneficial Interests. This first amendment will: (i) modify the Annual Rent; (ii) approve the change in ownership interests; (iii) update the Special Activities provision; and (iv) incorporate standard County language. All other terms of the Concessionaire Lease Agreement will remain in full force and effect. Parks will continue to have administrative responsibility for the Concessionaire Lease Agreement (Property & Real Estate Management) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to approve: the nomination of Bobby “Tony” Smith as Chairperson of the Housing Finance Authority of Palm Beach County, Florida (Authority), for the term of August 17, 2021 through August 2022. **SUMMARY:** Staff recommends Board of County Commissioners’ (BCC) approval of the nomination of Bobby “Tony” Smith as Chairperson of the Authority. At their regular meeting of June 18, 2021, the Authority Board nominated Mr. Smith as its Chairperson to serve a second and final term of one year in accordance with Ordinance No. 2002-022, as amended. This ordinance requires the nomination of the Chairperson to be submitted to the BCC for approval. Countywide (HJF)

2. Staff recommends motion to receive and file:

A) a HOME Loan Agreement with Habitat Housing Solutions, Inc. in the amount of \$315,672;

B) a HOME Community Housing Development Organizations (CHDO) Loan Agreement with Community Land Trust of Palm Beach County, Inc. in the amount of \$101,500; and

C) a HOME Community Housing Development Organizations (CHDO) Loan Agreement with Habitat Housing Solutions, Inc. in the amount of \$690,000.

SUMMARY: The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Mayor, the County Administrator or the Director of the Department of Housing and Economic Development in accordance with Agenda Item 5A-3 and 6D-4, as approved by the BCC on February 11, 2020, and November 17, 2020, respectively. Agenda Item 5A-3 dated February 11, 2020, awarded HOME funds to successful respondents to Request for Proposal HES.2019.1, and Agenda Item 6D-4, dated November 17, 2020, awarded HOME/CHDO funds to successful respondents to Request for Proposal HES.2020.1. The Loan Agreement with Habitat Housing Solutions, Inc., provided \$315,672 in HOME funding towards the construction of three single family homes Pahokee and Belle Glade. The Loan Agreement for \$101,500 with the Community Land Trust of Palm Beach County, Inc. provided \$92,000 in HOME funding towards the construction of a single family home in Lake Worth and a \$9,500 grant for CHDO operating costs. The Loan Agreement with the Habitat Housing Solutions, Inc., provided \$625,000 in HOME funding towards the construction of five single family homes in Pahokee and South Bay and a \$65,000 grant for CHDO operating costs for a total amount of \$690,000. 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. **HOME Program grant funds are Federal funds which require a 25% local match provided by State SHIP funds.** Districts 3 & 6 (HJF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Work Authorization (WA) No. 15 to the 2019 Pipeline Continuing Construction Contract (Continuing Contract) with Johnson-Davis Incorporated (Contractor) for the West Boca Force Main Interconnect Program (Project) in the amount of \$1,557,110.78. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0160) with Contractor. WA No. 15 provides for the interconnection of the existing force main system at three locations with the associated valves. These interconnections are located at the southeast corner of Lake Worth Drainage District (LWDD) E-1 Canal and LWDD Hidden Valley Canal, Delray Beach; southwest corner of West Palmetto Park Road and State Road 7 (SR 7), Boca Raton; and at the intersection of SW 3rd Street and SW 64th Terrace, Boca Raton. The Project includes the installation of approximately 130 linear feet of 16-inch, 30 linear feet of 18-inch, and 135 linear feet of 36-inch force main pipes including the associated valves, site restoration and appurtenances. The Continuing Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation. The Continuing Contract provides for 20.07% SBE participation. WA No. 15 includes 37.06% SBE participation which includes 0.15% M/WBE, 0.15% MBE (B). The cumulative SBE participation including WA No. 15 is 23.63%, which includes 0.02% M/WBE, 0.02% MBE (B). Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 20-027) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: Change Order (CO) No. 2 with R. J. Sullivan Corp. (RJS) for the Southern Region Water Reclamation Facility (SRWRF) Secondary Clarifier and Effluent Filtration Improvements (Project) in the amount of \$786,646.14 and for an additional 67 calendar days of project time extension. **SUMMARY:** On November 19, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract for the Project (R2019-1776) in the amount of \$21,777,000. The Project includes rehabilitation of eight secondary clarifiers and the construction of two new effluent filters, four filtered effluent transfer pump stations, sludge digester hot water boilers, and bulk sodium hypochlorite storage at SRWRF. CO No. 2 will add a total of 67 calendar days to the contract, one calendar day for additional demolition of secondary clarifier 2-1 center column stabilizers and 66 calendar days for the additional concrete and structural repairs required to address unforeseen conditions associated with secondary clarifier No. 2-1. CO No. 2 also includes an increase of \$780,000 to the Owner controlled allowance (Bid Item No. 13) for concrete and structural repairs for secondary clarifiers and filtered effluent pump station, \$2,734.83 for installation of 90 feet of underground conduit for fiber optic cable, \$1,015.64 for additional demolition of the secondary clarifier 2-1 center column stabilizers, and \$2,895.67 for inclusion of tracer wire test stations for the influent sample lines. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a minimum mandatory 10% Small Business Enterprise (SBE) subcontracting goal and a 3% Minority Business Enterprise (MBE) subcontracting goal among certified African American and/or Hispanic American owned firms. The Contract provides for 13.26% SBE participation which includes 3.85% M/WBE participation, 0.64% MBE (H) and 3.21% MBE (B). CO No. 2 includes 0% SBE participation which includes 0% M/WBE participation, 0% MBE (H) and 0% MBE (B). In the event additional concrete and/or structural repairs are required on the secondary clarifiers and the filtered effluent transfer pump station it is anticipated (based on Charge Authorization No.1) the SBE participation would be approximately 80%. The cumulative SBE participation including CO No. 2 is 12.92% which includes 3.84% M/WBE participation, 0.61% MBE (H) and 3.23% MBE (B). RJS is headquartered in Pompano Beach, Florida, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 17-022) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve:

A) a contract for the Upper Floridan Aquifer (UFA) Well Rehabilitation (Project) with All Webbs Enterprises, Inc. (Contractor) in the amount of \$1,925,000; and

B) Consultant Services Authorization (CSA) No. 1 to the Consulting/Professional Services Utility Hydrogeologic and Water Resources Engineering Services Contract (Hydro Contract) with JLA Geosciences, Inc., (Consultant) for the Upper Floridan Aquifer Well Rehabilitation Construction Phase Services for a not to exceed amount of \$242,179.72.

SUMMARY: On March 24, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received two bids for the Project. The Project provides for the rehabilitation of eight UFA production wells (TP-2, PW-3, PW-4, PW-6, PW-7, PW-8, PW-10, and PW-11) for PBCWUD Water Treatment Plant (WTP) No. 11, located in Belle Glade. The Project also includes removal and reinstallation of wellhead and pumping equipment, well video inspection, geophysical logging, performance testing, acid treatment, post-rehabilitation testing, water disposal management, well disinfection and clearance, electrical work, reporting, and an optional cement back-plugging of one well and site restoration at each well. The Contractor was the lowest responsive and responsible bidder in the amount of \$1,925,000. This Contract was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On December 17, 2020, the Goal Setting Committee (GSC) applied an Affirmative Procurement Initiative (API) of a Small Business Enterprise (SBE) Price Preference. The Contractor has met the established API for this Contract. The Contract provides for 95.22% SBE participation. The Contractor is a Palm Beach County based Company. On December 15, 2020, the Board of County Commissioners approved the PBCWUD Hydro Contract (R2020-1893) with Consultant. The Hydro Contract was procured under the requirements of the EBO Ordinance. On October 2, 2019, the GSC applied an API of a minimum mandatory 20% subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms. The Hydro Contract provides for 73% SBE Participation which includes 3% M/WBE participation, 3% MBE (A). CSA No. 1 provides for construction management services for the Project. CSA No. 1 includes 100% overall SBE participation, which includes 17.3% M/WBE participation, 17.3% MBE (A). The cumulative SBE participation including CSA No. 1 is 100% which includes 17.3% M/WBE participation, 17.3% MBE (A). Consultant is a Palm Beach County based Company. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 20-041) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Consulting/Professional Services Utility Distribution & Collection System Engineering Services Contract (Contract) with Holtz Consulting Engineers, Inc., (Consultant) for the Improvements to Lift Stations 980, 981 and 1051 (Project) for a not to exceed amount of \$170,736.11. **SUMMARY:** On December 15, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1897) with Consultant. CSA No. 3 provides for professional engineering services relating to design, permitting, and bidding related services to provide for the rehabilitation and refurbishment of two submersible lift stations and the conversion of one dry can lift station to a submersible lift station. These services include civil, mechanical, and electrical improvements to the lift stations including new wet well, top slab, pumps, control panels, remote telemetry unit, piping, valves, corrosion barrier, potable water services, and valve vault. The construction package will follow the design-bid-build delivery method. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On October 2, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified SBE firms. The Contract provides for 96% SBE participation, which includes 90% M/WBE participation, 85% MBE (H), and 5% MBE (A). CSA No. 3 includes 92.43% SBE participation which includes 86.25% M/WBE participation, 74.85% MBE (H) and 11.4% MBE (A). The cumulative SBE participation including CSA No. 3 is 84.98% SBE, which includes 74.33% M/WBE, 72.35% MBE (H) and 1.97% MBE (A). Consultant is a Palm Beach County based company. The Project is included in the PBCWUD FY21 budget. (WUD Project No. 21-059) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve: Work Authorization (WA) No. 17 to the 2019 Pipeline Continuing Construction Contract (Continuing Contract) with Johnson–Davis Incorporated, (Contractor) for the South 37th Street Water Main Replacement (Project) in the amount of \$256,316.28. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0160) with Contractor. WA No. 17 provides for the installation of approximately 1,120 linear feet of 6-inch water main, associated fire hydrants, and the affected water services located within the South 37th Street residential community in Greenacres. The Continuing Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation. The Continuing Contract provides for 20.07% SBE participation. WA No. 17 includes 20.53% SBE participation. The cumulative SBE participation including WA No. 17 is 21.54%. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 21-056) District 2 (MJ)

6. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Contract for Consulting/Professional Services Emergency and Disaster Mitigation and Recovery (Contract) with Calvin, Giordano & Associates, Inc. (CGA) for the Water Treatment Plant (WTP) Nos. 8 and 11 Hurricane Hardening (Project) for a not to exceed amount of \$335,465. **SUMMARY:** On June 20, 2017, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2017-0821) with CGA. CSA No. 3 provides for consulting/professional engineering services and related services for a hurricane hardening evaluation and recommendations at WTP Nos. 8 and 11. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 41% SBE participation. CSA No. 3 includes 46.48% SBE participation. The cumulative SBE participation including CSA No. 3 is 55.20% SBE participation. While CGA is headquartered in Fort Lauderdale, Florida, they maintain an office in Palm Beach County from which the majority of the work under CSA No. 3 will be undertaken. The Project is included in the PBCWUD FY21 budget (PBCWUD Project No. 21-061) Districts 2, 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. Staff recommends motion to approve: contract with Foster Marine Contractors, Inc. (Foster Marine) for the Improvements to Lift Stations 393, 1023, and 8168 (Project) in the amount of \$1,297,650. **SUMMARY:** On March 10, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received three bids for the Project. Foster Marine was determined to be the lowest responsive and responsible bidder. The Project provides for the rehabilitation of three lift stations 393, 1023, and 8168 including new pumps, control panels, upgrade of existing water services lines, temporary bypass pumping, rerouting of gravity main, rerouting of force main, and a new lift station wet well. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On January 20, 2021, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. Foster Marine has met the established API for this Contract. The Contract provides for 21.08% SBE participation, which includes 7.54% M/WBE, 7.54% MBE (H). Foster Marine is a Palm Beach County based company. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 17-064) Districts 2, 5, & 6 (MJ)

8. Staff recommends motion to approve: an Indemnity Agreement between The Arc of the Glades, Inc. (Property Owner) and Palm Beach County. **SUMMARY:** The Property Owner owns a certain parcel located at 4250 State Road 715 in Belle Glade. In order to connect to the County wastewater collection system, the Property Owner proposed a connection to a gravity sewer main located on an adjacent parcel owned by Enrique R. Rionda, Trustee and Cristina M. Rionda, Trustee. The Property Owner has rights to use the facilities pursuant to the Grant of Easement and Maintenance Agreement between Enrique R. Rionda, Trustee, Cristina M. Rionda, Trustee, and The Arc of the Glades, Inc., recorded May 18, 2021 at Official Record Book 32491 Page 1646. County staff approved the proposed connection subject to the Property Owner entering into an Indemnity Agreement with the County. The Grant of Easement and Maintenance Agreement secures continued access to the wastewater gravity main for the Property Owner and ensures the continued maintenance of the gravity main and lift station. This Indemnity Agreement requires the Property Owner to indemnify, defend, and hold the County harmless if the Property Owner is no longer able to utilize the gravity main located on the adjacent parcel. The Indemnity Agreement runs with the land and binds successors to the terms. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Work Order No. IAC-01 to the Palm Beach County Inshore Annual Construction Contract (Federalized), Project No. 2021ERM02 (R2021-0917) with Poseidon Dredge & Marine, Inc. (Poseidon) at a cost not to exceed \$3,224,233.85 for a term of 195 days. **SUMMARY:** On July 13, 2021, the Board of County Commissioners (BCC) approved the Contract (R2021-0917) with Poseidon. Work Order No. IAC-01 will authorize the construction of emergent islands with rock revetment structures at the Tarpon Cove Restoration Phase II and Monceaux Park Living Shoreline (Projects), and includes State and Federal funding reimbursement. The State and Federal agreements prohibit local geographical preferences in construction procurements involving federal funds, so the County's Office of Equal Business Opportunity Program, Local Preference, Glades Local Preference, Glades Resident Incentive, and Apprentice Incentive could not be included in this competitive solicitation. Projects costs are shared by 60% Federal funds within Florida Fish and Wildlife Commission (FWC) Agreement No. 19003 (R2019-1182), FWC Contract No. 20306 (R2021-0821), and FWC Contract No. 20307 (R201-0822), 37% State funds through the Florida Department of Environmental Protection (FDEP) Agreement No. LP50202 (R2017-0082), and 3% County funds from the Manatee Protection Fund. District 2 (YBH)

2. Staff recommends motion to receive and file: Amendment #1 to The Nature Conservancy (TNC) Grant No. FY20-F105203-01-PBC (Agreement), for the Palm Beach Resilient Islands Project (Project), in order to extend the Agreement termination from October 31, 2021 to August 29, 2022. **SUMMARY:** On June 16, 2020, the Board of County Commissioners approved the Agreement (R2020-0683) and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. Amendment #1 extends the Agreement for an additional ten-month period to begin November 1, 2021, and remain in effect until August 29, 2022. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to receive and file:

A) Task Assignment Change Order No. 1, to Task Assignment No. IP9, Contract No. FWC11357 (R2012-0573) with Florida Fish and Wildlife Conservation Commission (FWC) decreases the Task Assignment No. IP9 by \$34,647.38 bringing the total for the State FY2020/2021 to \$31,212.62. This Change Order No. 1 does not alter the original completion date of June 30, 2021; and

B) Task Assignment No. IP10 to Contract No. FWC11357 (R2012-0573) with FWC to provide aquatic vegetation control services for water bodies within the County and a cost reimbursement of \$58,074, for a term beginning upon execution to April 26, 2022.

SUMMARY: On April 17, 2012, the Board of County Commissioners approved FWC Contract No. FWC11357 (R2012-0573) (Contract) for aquatic vegetation control services in the following lakes: Clarke, Ida, Osborne, and Pine. This Contract facilitates County treatment and control of aquatic exotic plants within the Chain of Lakes. County work is reimbursed by FWC. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with this Contract was approved at that time. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. Countywide (SS)

4. Staff recommends motion to approve: Easement Agreement for Construction Access and Staging (Agreement) with the City of Boynton Beach (City) for the Ocean Ridge Shore Protection Project (ORSPP) and the South Lake Worth Inlet Maintenance Dredging Project (SLWI Project), beginning upon execution and terminating October 31, 2045. **SUMMARY:** The Agreement grants the County an easement through Boynton Beach Oceanfront Park to transport construction equipment and materials onto and off the beach during mobilization, construction, and demobilization of the ORSPP and SLWI Project and a staging area for equipment and materials in support of the projects. The Agreement contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the County's need to conduct the construction work, County's current performance of such construction work and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of 768.28, Florida Statutes. District 4 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to approve: a Deed of Conservation Easement (Conservation Easement) for approximately 200.71 acres of County-owned land within Juno Dunes Natural Area (Natural Area), from Palm Beach County (County) in favor of the Town of Juno Beach (Town). **SUMMARY:** Approval of the Town-held Conservation Easement would help preserve and protect all County-owned portions of the Natural Area that are located within the Town's municipal boundaries. A single 2.18-acre County-owned natural area tract that lies just east of Ellison Wilson Road will not be protected by the Town-held Conservation Easement since it is outside of the Town's jurisdiction. The Conservation Easement is nearly identical to a Conservation Easement that was executed in favor of the South Florida Water Management District (SFWMD) on October 4, 2010 and recorded in OR Book 24144, Page 589. The Town-held Conservation Easement will add an extra layer of protection over the approximately 200.2 acres of County-owned lands protected by the SFWMD-held Conservation Easement. The Town-held Conservation Easement also will protect two small tracts (totaling 0.51 acres) that were acquired by the County subsequent to execution of the SFWMD-held Conservation Easement. The Town adopted Resolution 2021-06, which approved the attached Conservation Easement, on April 28, 2021. The Town-held Conservation Easement shall remain in full force and effect as a covenant running with the land. **There is no cost to the County.** District 1 (SS)

6. Staff recommends motion to:

A) approve a Partial Assignment of Easement Agreement for Shore Protection with the Town of South Palm Beach (Town) for each of 11 easements located within the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project (Project) area, effective upon execution and for a term of 50 years from the date of execution of each easement; and

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

SUMMARY: The Town recently conducted a dune restoration project within the Project area, and plans to conduct further shore protection projects as needed in the future. These 11 Partial Assignments will grant the Town the same access rights across the privately-owned sandy beach that are granted to the County by the Easement Agreements for Shore Protection approved by the Board on June 6, 2017. The County will continue to retain said access rights. Due to natural movement of sand from north to south, any updrift sand placement is expected to benefit County beaches over the long term. **There is no cost to the County.** District 4 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to approve: appointments of two At-Large members to the Natural Areas Management Advisory Committee (NAMAC). Seat Nos. 3 and 7 are for a term of two years and one month beginning August 17, 2021 through September 30, 2023.

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
3	Jessica Miles	Professional Educator	09/30/23	Mayor Kerner Vice Mayor Weinroth Comm. Marino Comm. Weiss Comm. Sachs Comm. McKinlay
7	Andrea McMillan	Citizen with Interest in Preservation & Conservation of Natural Areas	09/30/23	Mayor Kerner Vice Mayor Weinroth Comm. Weiss Comm. Sachs Comm. McKinlay

SUMMARY: Resolution No. R2013-1328 provides for a seven-member NAMAC. Membership consists of one member with experience in the management of natural areas, one biological scientist, one professional educator with knowledge of South Florida ecosystems, one representative of a local municipal government parks and recreation program, one member of the Palm Beach County Parks and Recreation Department staff, and two citizens having an interest in preservation and conservation of natural areas. With these two appointments, all seven seats will be filled and diversity count of Caucasian: 5 (71%), African American: 1 (14.5%) and Hispanic: 1 (14.5%). The gender ratio (female:male) is 5:2. Seat No. 3 nominee is a Caucasian female and Seat No. 7 is an African American female. Staff continues to address the need for increased diversity within our boards and will encourage expansion of this Board's diversity. Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. Staff recommends motion to:

A) approve a contract for Consulting/Professional Services (Contract) with the University of Florida Leadership and Education Foundation, Inc. (UFLEF) for an amount not to exceed \$35,000, to provide event planning and management services for the Lake Worth Lagoon Initiative (LWLI) Science Symposium (Symposium), beginning upon execution and expiring April 8, 2023; and

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

SUMMARY: The Symposium will be held in 2022, following completion of the ongoing Lake Worth Lagoon (Lagoon) Management Plan update. The Symposium will highlight the overall ecological health of the Lagoon, along with both ongoing and planned monitoring and research efforts for the management and restoration of the Lagoon. UFLEF, a private non-profit corporation that acts as a Direct Support Organization for the University of Florida Board of Trustees and administered by the Institute of Food and Agricultural Sciences, will provide planning, design and management services through their Office of Conferences and Institutes for the development, management and hosting of the Symposium. Contract funding will be provided through the Manatee Protection Fund, with event costs offset primarily through sponsorships solicited from LWLI partners and stakeholders. Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to receive and file: Amendment No. 2 to the State of Florida Department of Environmental Protection (FDEP) Agreement No. 19PB17 (Agreement), for the Singer Island Dune Hurricane Irma Recovery Project (Project), removing the Federal estimated project costs of \$664,036 and adjusting the state cost share to 50%. **SUMMARY:** On August 20, 2019, the Board of County Commissioners approved the Agreement (R2019-1180) and authorized the County Administrator or designee to sign all future time extensions and minor amendments associated with the Agreement. The Agreement was subsequently modified by Change Order No. 1 (R2020-1255) to rebalance the work task amounts and Amendment No. 1 to extend the Agreement by one year. Amendment No. 2 removes the Federal estimated project costs to reflect the Federal Emergency Management Agency's (FEMA) denial of eligibility for Federal reimbursement. FDEP requires non-Federally funded projects to receive a maximum 50% state cost share, so a local cost share of \$221,346 is added to the Agreement. The Board approved Work Order No. 1394-1 (R2019-1911) on December 17, 2019, in the amount of \$925,276.81 for Project construction, of which \$518,875.45 was allocated from the Beach Improvement Fund. Therefore, the local cost share introduced by Amendment No. 2 has already been fulfilled. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no additional cost to the County.** District 1 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

10. Staff recommends motion to authorize: the County Administrator or designee to sign future Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) and State Board of Education (DOE) Oil and Mineral Affidavits, which are materially the same as the affidavits provided herein, and submit applications to TIITF and DOE to release existing “rights of entry and exploration” for phosphate, minerals, metals and petroleum (oil and mineral) on lands purchased by, or donated to, the County for conservation and/or mitigation purposes. **SUMMARY:** Certain conservation/mitigation lands managed by the Department of Environmental Resources Management (ERM) are encumbered by TIITF or DOE oil and mineral reservations that were placed on the lands prior to their acquisition by the County. Since the mining and extraction of oil and minerals from conservation/mitigation lands would be contrary to the purpose for which the lands were acquired, it is in the County’s best interest to have these “rights of entry and exploration” released for all existing TIITF and DOE oil and mineral reservations. To do this, the County must submit a release application and affidavit for each tract of land encumbered by a TIITF or DOE oil and mineral reservation. Each affidavit must: 1) justify the reason for the requested release (the intended land use); and 2) affirm that use of the land will not involve phosphate, mineral, metal or petroleum extraction as required in Paragraph 18-2.018(3)(e)2, Florida Administrative Code. If the “rights of entry and exploration” are released, TIITF or DOE would be required to obtain the County’s permission before engaging in any mining or exploration activities on the affected conservation/mitigation land(s). The cost to submit an Oil and Mineral “right of entry and exploration” release application is \$300 per contiguous area of land; the total cost to release TIITF- and DOE-held “rights of entry and exploration” for affected county-owned conservation/mitigation lands is expected to be less than \$3,000. The application fees shall be paid using the County’s non-ad valorem Natural Areas Fund (Fund 1226). Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

11. Staff recommends motion to:

A) approve State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 21PB8 (Agreement) with FDEP for an amount not to exceed \$43,032 providing for monitoring of the Singer Island Dune Nourishment Project (Project), beginning on July 1, 2020, and expiring December 31, 2023;

B) approve a budget amendment of \$43,032 in the Beach Improvement Fund to recognize the revenue award from FDEP; and

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

SUMMARY: The Agreement provides for reimbursement from FDEP of up to \$43,032 for biological and physical monitoring costs and requires a local match of \$76,968, or 64.14% of the total Project cost of \$120,000. The County's match for the Project will come from the Beach Improvement Fund. The Agreement contains an indemnification provision that differs from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the County's need to conduct the monitoring work, the amount of the grant award, County's current performance of such monitoring work and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of 768.28, Florida Statutes. District 1 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

12. Staff recommends motion to:

A) approve State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 21PB13 (Agreement) with FDEP for an amount not to exceed \$133,292 providing for the development of the South Jupiter Feasibility Study (Study), beginning on January 1, 2018, and expiring December 31, 2023;

B) approve a budget amendment of \$133,292 in the Beach Improvement Fund to recognize the revenue award from FDEP; and

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

SUMMARY: The Agreement provides for reimbursement from FDEP of up to \$133,292 for the Study including design costs and requires a local match of \$133,293, or 50% of the total project cost of \$266,585. The County's match for the Project will come from the Beach Improvement Fund. The Agreement contains an indemnification and termination provision that differs from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney's Office have reviewed the terms and agreed to the deviations, taking into consideration the County's need to conduct this work, the amount of the grant award, County's current performance of such work and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of 768.28, Florida Statutes. District 1 (SS)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to:

A) ratify the signature of the Mayor on an Indian River Lagoon License Plate grant application. The application was submitted to South Florida Water Management District (SFWMD) on June 30, 2021 requesting \$20,000 to fund 50.1% of the cost of annual exotic vegetation removal at Riverbend Park;

B) authorize the County Administrator or designee to execute the Grant Funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not substantially change the terms and conditions of the Agreement, if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent and the County Administrator's designee with SFWMD for this project.

SUMMARY: This grant application requests \$20,000 from SFWMD to cover 50.1% of the cost of the Riverbend Park exotic plant management program. Consistent exotic vegetation management maintains the well-being of the native habitats. Total project costs are estimated at \$39,920, and the County will match the funding request with \$19,920 in operating funds. If awarded, the one year grant contract will run from September 2021 until September 2022. District 1 (AH)

2. Staff recommends motion to receive and file: a first amendment to Professional Services Agreement (R2018-1221) with Elite Medical Specialists, LLC, in an amount not to exceed \$60,000, to provide medical director services for the Parks and Recreation Department's Ocean Rescue Section for the period June 1, 2018 to May 31, 2022, with one one-year renewal option remaining. **SUMMARY:** On August 30, 2018, the County entered into an agreement (R2018-1221) with Elite Medical Specialists, LLC to provide medical director services for the Parks and Recreation Department's Ocean Rescue Section for the period June 1, 2018 to May 31, 2021, with two one year renewal options. This first amendment to the agreement increases the not to exceed amount for the term of the contract from \$45,000 to \$60,000, extends the term to May 31, 2022, and provides for one one-year renewal option. Per the Agreement, the Medical Director is paid \$1,250 a month or \$15,000 annually. This rate remains the same. In accordance with County PPM CW-O-051, all delegated agreements must be submitted by the initiating department as a receive and file agenda item. This Professional Services Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the Director of Purchasing in accordance with section 2.53(e) of the Purchasing Code, and is now being submitted to the Board to receive and file. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to approve: an agreement with Special Olympics Florida to clearly define respective roles for the effective and efficient delivery of programs, support, management, operation and use of Club Manager's Association of America Therapeutic Recreation Complex for the implementation of year round sports training and athletic competition in a variety of Olympics-type sports for people with intellectual disabilities. The term of this agreement shall be for a period of three years and shall be automatically renewed annually, unless either party provides written notice of intent to terminate the agreement. **SUMMARY:** This agreement enables Special Olympics Florida and the Parks and Recreation Department to utilize each other's resources for the provision of sports training and athletic competition for people with intellectual disabilities who wish to participate, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in the sharing of gifts, skills, and friendship with their families, other Special Olympics athletes, and the community. The Parks and Recreation Department and Special Olympics Florida recognize the benefits to be derived by utilizing each other's personnel, expertise and resources thereby minimizing the duplication of services for people with disabilities. The term of this agreement shall be for a period of three years and shall be automatically renewed annually, unless either party provides written notice of intent to terminate the agreement. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to approve: an agreement with Loggerhead Marinelife Center, Inc. (Loggerhead), a Florida not for profit corporation, in an amount not to exceed \$150,000 to fund the replacement of the roof, siding and alarm panel at the Juno Pier Bait House located at Juno Beach Park. **SUMMARY:** Loggerhead has been operating the Juno Beach Pier and bait house under a Concessionaire Services Agreement (R2014-0376) since 2014. In 2019, the County entered into a new Concessionaire Services Agreement (R2019-0376) with Loggerhead that included an 18 month abatement of rent in exchange for Loggerhead performing renovations to the bait house. Loggerhead was unable to complete the renovations as it was discovered that other capital repairs (roof, exterior siding and fire/intrusion alarm) to the building are required and are the responsibility of the County. Staff has determined that there would be a cost savings to the County by having Loggerhead complete the additional repairs to the bait house utilizing their own contractor. In the normal course of operations, repairs to county-owned facilities are procured and managed by the County's Facilities Development and Operations (FDO) Department. The Concessionaire Services Agreement with Loggerhead does not provide for completion of repairs to the bait house beyond the previously described interior improvements therefore, this proposal is a deviation from standard practice. However, in consideration of the potential efficiencies gained by contracting with Loggerhead to perform the repairs with the contractor it has onsite for the building expansion project, Parks recommends, and FDO is supportive of, this approach. Contracting with Loggerhead to complete the additional repairs will help mitigate further damage to the building due to the water intrusion. Work will be performed in a manner consistent with the provisions of CW PPM CW-O-095 which requires FDO's review and approval of all drawings. Loggerhead has committed to carry out a competitive process to select subcontractors to perform the work. District 1 (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to:

A) accept the donation of \$420,000 from the Friends of the Mounts Botanical Garden, Inc. (FMBG) to fund the costs associated with the Mounts Botanical Garden Welcome Center capital project; and

B) approve a budget amendment in the Capital Outlay Fund (Fund 3900) in the amount of \$420,000.

SUMMARY: The FMBG voted for Palm Beach County to renovate and expand the existing Gift Shop/Storage structure (Building #49) located near the 531 N. Military Trail garden entrance into a multi-purpose Welcome Center. The current space is utilized for the Garden's retail operations. The \$420,000 donation is to pay a portion of the total costs associated with the gift shop renovations (\$539,510.40). These costs include construction, staff costs, and contingency. A budget transfer of \$120,000, within the Capital Outlay Fund, was approved on September 15, 2020. This transfer assists in completing the Welcome Center capital project. District 7 (AH)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: the addition of "Juneteenth", a federal holiday, to the list of recognized holidays formally observed by the Board as a paid holiday for County employees. **SUMMARY:** On June 17, 2021, President Joe Biden signed legislation establishing Juneteenth as a federal holiday following the passage of a bipartisan Congressional bill. Juneteenth, which falls on June 19, marks the date General Gordon Granger delivered General Order No. 3 in Galveston, Texas, officially ending slavery in that state, two and a half years after President Abraham Lincoln's Emancipation Proclamation. This day, which is also called Freedom Day or Emancipation Day, is the oldest known celebration commemorating the end of slavery in the United States. In addition to the formal recognition of Juneteenth as a federal holiday, 49 states and the District of Columbia have passed legislation recognizing it as a holiday or observance. Florida passed Section 683.21 (1991), Florida Statutes, which officially commemorates the traditional observance of Juneteenth. Recently, Governor Ron DeSantis issued a proclamation commemorating the observance of Juneteenth, but has not yet authorized the holiday as a paid holiday for state employees. The addition of Juneteenth to the Palm Beach County Board of County Commissioners' list of recognized holidays is consistent with the Board's long-established holiday schedule which follows and observes the federal schedule of recognized holidays. The cost of adding Juneteenth to the list of recognized paid holidays has been analyzed by the Office of Financial Management and Budget and the payroll section of the Clerk and Comptroller's Office, and determined to be nominal as a percentage of payroll, not expected to exceed \$65,000, or less than 1%, of one annual bi-weekly payroll period that currently averages \$18M. Countywide (DO)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to authorize: the Mayor to execute Certificate to Non-Ad Valorem Assessment Roll (DR-408A) forms certifying the non-ad valorem assessment roll for the Municipal Service Benefit Unit (MSBU) for Fire Hydrant Maintenance and Rental-Riviera Beach and the non-ad valorem assessment roll for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBUs for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February of 1993, as set out in Chapter 26, Article III of the Palm Beach County Code. The current rates as established by resolutions are \$52.86 per parcel for Riviera Beach (R2019-1223) and \$23.00 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Mayor of the Board of County Commissioners, and the State Department of Revenue form DR-408A must be signed by the Mayor for each MSBU in order for the assessment to be included on the property's annual tax bill. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 4, 5 & 7 (SB)

2. Staff recommends motion to approve: a Memorandum of Understanding (MOU) for Securing the Cities Agreement for the Procurement of Goods and Services under the Securing the Cities Initiative between the City of Miami and Palm Beach County, for a term commencing upon approval by both parties and continuing through October 30, 2029. **SUMMARY:** United States Department of Homeland Security Domestic Nuclear Detection Office, has sub-granted the Securing the Cities (STC) Program 2019 to the City of Miami as sponsoring agency to provide funds to address the unique equipment, training, planning, exercise and operational needs for the region, and to assist in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and other high- consequence events utilizing nuclear or other radiological materials that pose risk to homeland security in high-risk urban areas. Palm Beach County Fire Rescue and the City of Miami intend to work together and in concert with the other agencies in the region, to design and implement systems for coordinated and integrated detection and interdiction of materials that may be used in a terrorist attack. The City of Miami as the sponsoring agency has received or expects to receive various forms of assistance from the federal government including funding and equipment to accomplish this initiative. Pursuant to this MOU, the City of Miami will provide Fire Rescue with STC program funded equipment, or reimbursement for equipment, and related training, as part of the STC program initiatives. This MOU may only be terminated by the parties for cause or upon mutual written agreement. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

3. Staff recommends motion to approve:

A) first amendment to Emergency Services Agreement for Mutual Assistance, Automatic Aid, Dispatch and Fire Vehicle Maintenance and Repair Services with the Village of Tequesta, adding ISO training opportunities. The first amendment will take effect August 17, 2021 and terminate September 30, 2022;

B) first amendment to Emergency Services Agreement for Mutual Assistance and Automatic Aid with Martin County, adding ISO training opportunities and extending the term of the agreement. The first amendment will take effect August 17, 2021 and extend the term of the agreement until September 30, 2031; and

C) first amendment to Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the City of Delray Beach, adding ISO training opportunities and extending the term of the agreement. The first amendment will take effect August 17, 2021 and extend the term of the agreement until September 30, 2031.

SUMMARY: A) In 2012, PBCFR entered into a ten-year agreement (R2012-1303) with Village of Tequesta that provides for Fire Rescue Mutual Assistance, Automatic Aid, Dispatch and Fire Vehicle Maintenance and Repair Services. The first amendment provides for ISO training opportunities between the parties; **B)** In 2016, PBCFR entered into a ten-year agreement (2016-1906) with Martin County that provides for Fire Rescue Mutual Assistance and Automatic Aid. The first amendment provides for ISO training opportunities and extends the term of the agreement until September 30, 2031; and **C)** In 2015, PBCFR entered into a ten-year agreement (R2015-0232) with City of Delray Beach that provides for Fire Rescue Mutual Assistance, Automatic Aid, and Dispatch Services. The first amendment provides for ISO training and extends the term of the agreement until September 30, 2031. Countywide (SB)

4. Staff recommends motion to receive and file: a copy of the municipal ordinance extending participation in the Fire/Rescue Municipal Services Taxing Unit (MSTU) for the Town of South Palm Beach, Ordinance No. 298, extending the Town's participation through December 31, 2029. **SUMMARY:** The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire rescue services to the Town of South Palm Beach as a part of the Fire/Rescue MSTU since October 1, 2010. On August 11, 2020, the Town of South Palm Beach adopted Ordinance No. 298 to extend their participation in the MSTU through December 31, 2029, for County fire rescue services through FY 2030. A copy of the ordinance is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

5. Staff recommends motion to receive and file: fully executed standard agreement for swimming lessons for the period beginning May 1, 2021 through September 30, 2023 with the City of Palm Beach Gardens. **SUMMARY:** On January 12, 2021, the Board adopted Resolution Number R2021-0075 authorizing the County Administrator or designee to execute standard agreements with municipalities and other independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. The County Administrator has designated the Fire Rescue Administrator to execute these standard agreements. Pursuant to Countywide PPM CW-O-051, one standard County agreement executed by the Fire Rescue Administrator is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2021/2022 budget for the Air Pollution Control Program. **SUMMARY:** This resolution is required by the August 21, 1984 agreement with the Department of Health Palm Beach County to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This Program is solely supported by motor vehicle license registration fees. The proposed FY 2021/2022 budget for the Air Pollution Control Program from this funding source is \$961,565, which is a 0.08% decrease from the current budget. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (HH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve: reappointment of two nominees to the Consumer Affairs Hearing Board (CAHB) for the term of October 1, 2021 to September 30, 2024 as follows:

<u>Seat</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated by</u>
5	Frank Lewis	Resident	Mayor Kerner Vice-Mayor Weinroth Commissioner Marino Commissioner Weiss Commissioner Sachs Commissioner McKinlay Commissioner Bernard
6	Harold Moldoff	Resident	Mayor Kerner Vice-Mayor Weinroth Commissioner Marino Commissioner Weiss Commissioner Sachs Commissioner McKinlay Commissioner Bernard

SUMMARY: The Consumer Affairs Ordinance was approved by the Board of County Commissioners (BCC) on December 17, 2013, and codified in Chapter 9, Article I of the Palm Beach County Code. The Consumer Affairs Ordinance established a seven member CAHB. The CAHB serves in both an advisory capacity to the BCC and as an Appeals Hearing Board to hear and act on appeals relating to the towing, vehicle for hire, moving, home caregiver, adult entertainer, water taxi, and consumer affairs ordinances. Members are selected from various businesses, professions and the general public. Member terms are for three years with a limit of three consecutive terms. A memo was sent to the BCC on May 24, 2021, seeking nominations for the above at-large seats. The CAHB has seven members with seat numbers five and six set to expire on September 30, 2021. All of the nominees are reappointments. With the reappointment of these seats, the CAHB will have six seats filled. The CAHB will have a diversity count as follows: Caucasian: 3 (50%), Asian: 2 (33%), and African American: 1 (17%). The gender ratio (male: female) will be 6:0. Countywide (JW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: the following documents required by the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) to acquire driver history records for the Vehicle for Hire (VFH) and Tow Truck Ordinances:

A) Memorandum of Understanding (MOU) with the FLHSMV (#0625-21) for a period of three years beginning May 21, 2021 through May 20, 2024;

B) FLHSMV Data Access Specifications Questionnaire;

C) FLHSMV Data Access Application; and

D) FLHSMV Certification Statement.

SUMMARY: The Division of Consumer Affairs (DCA) uses the FLHSMV records in order to perform driving history background checks of Vehicle for Hire and Tow Truck driver applicants. The record data exchange provides an automated file from FLHSMV to the County on a regular basis. The file contains information on each driver applicant including a license status of valid or expired, suspensions, revocations, and a description of sanctions and traffic violations. There is a \$10 fee paid to the FLHSMV for each driver license transcript requested and a \$2 fee for a driver record search if no record is found. The applicant normally pays these fees during the processing period. The prior MOU expired on June 13, 2021. On May 15, 2018, the Board of County Commissioners approved Agenda Item 3X5 which authorized the County Administrator or designee to sign future FLHSMV MOUs along with all attachments and required applications, certifications, amendments, renewals or updated memorandums for access, as well as other forms necessary to maintain an active status with the FLHSMV for driver history checks to verify compliance with the VFH and Tow Truck Ordinances administered by the DCA. Countywide (JW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file: the following Declarations and Emergency Order (EO) related to COVID-19:

A) Declaration of Continuing State of Emergency PBC, FL, dated April 27, 2021;

B) Declaration of Continuing State of Emergency PBC, FL, dated May 7, 2021;

C) EO Number 5 (2021-005), extension of facial covering directive, dated April 30, 2021;

D) Declaration of Continuing State of Emergency PBC, FL, dated May 13, 2021;

E) Declaration of Continuing State of Emergency PBC, FL, dated May 19, 2021; and

F) Declaration of Continuing State of Emergency PBC, FL, dated May 26, 2021.

SUMMARY: On March 9, 2020, the Governor issued Executive Order No. 20-52 declaring a State of Emergency in the State of Florida based on the on-going risk posed by COVID-19. The County issued a State of Local Emergency on Friday, March 13, 2020. The local emergency is ongoing and the declarations of continuing the State of Local Emergency are necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources are available through the Coronavirus Aid, Relief, and Economic Security Act and/or Federal Emergency Management Agency Public Assistance. Staff are able to purchase equipment, materials, supplies, and open non-congregate shelters for residents and persons who may be in need of isolation. Furthermore, Emergency Order 2021-005, the directive on wearing facial coverings, was also extended an additional 30 days. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. [Staff recommends motion to receive and file:](#) the following Declarations related to COVID-19:

- A) Declaration of Continuing State of Emergency PBC, FL, dated June 2, 2021;
- B) Declaration of Continuing State of Emergency PBC, FL, dated June 8, 2021;
- C) Declaration of Continuing State of Emergency PBC, FL, dated June 15, 2021; and
- D) Declaration of Continuing State of Emergency PBC, FL, dated June 22, 2021.

SUMMARY: On March 9, 2020, the Governor issued Executive Order No. 20-52 declaring a State of Emergency in the State of Florida based on the on-going risk posed by COVID-19. The County issued a State of Local Emergency on Friday, March 13, 2020. The local emergency is ongoing and the declarations of continuing the State of Local Emergency are necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources are available through the Coronavirus Aid, Relief, and Economic Security Act and/or Federal Emergency Management Agency Public Assistance. Staff are able to purchase equipment, materials, supplies, and open non-congregate shelters for residents and persons who may be in need of isolation. The last Declaration of Continuing State of Emergency PBC, FL issued was June 22, 2021. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file: the following executed Contractual Services Agreements with the Fifteenth Judicial Circuit (Court) for the period of July 1, 2021 through June 30, 2022:

A) Contractual Services Agreement Professional Psychological or Expert Witness Services in Adult and/or Juvenile Criminal Matters; and

B) Contractual Services Agreement Expert Examining Committee Member Services in Guardianship Matters.

SUMMARY: The Court has contracted with the Public Safety Department, Division of Justice Services to provide court ordered forensic evaluations and testimony services. Seniors, adults, teens, and children throughout the county are directed to the Forensic Psychology Office with the appropriate court order, outlining which specific evaluation is required. The scope of services provided in each agreement includes competency and psychological evaluations for adult and juvenile criminal matters, psychological evaluations for child welfare and appointment as an examining committee member in relation to guardianship matters. These agreements compensate the County for the contractual services provided to the Court. R2005-0792 authorizes the County Administrator or designee to sign agreements to provide psychological services to the Court. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

6. Staff recommends motion to:

A) receive and file a first amendment to Victim of Crime Act (VOCA) FY2020/2021 to grant agreement o-00682 with the State of Florida, Department of Legal Affairs, Office of the Attorney General (OAG) (R2021-0196) to increase the contract from \$357,045 to \$522,702 for the period October 1, 2020 through September 30, 2021; and

B) approve a budget amendment of \$165,657 in the Public Safety Grants Fund to adjust the budget to reflect the actual grant award.

SUMMARY: The VOCA FY2020/2021 grant (CFDA 16.575) agreement is an annual grant that provides direct assistance services to victims and survivors of crime. Each year, Victim Services requests funding from VOCA. The FY2020/2021 final grant award was less than requested in the original application. The OAG received increased budget authority from the Florida Legislature resulting in the OAG increasing awards to the amount requested in the submitted 2020-2021 VOCA grant application. This amendment adds \$165,657 for a new total award of \$522,702. The additional funds include \$86,596 to account for the increase in six Victim Advocate position salaries and fringe benefits related to the Evergreen compensation study, \$28,121 to provide contractual therapy services, \$40,940 to assist victims with relocation funds, which can include property storage, moving expenses, and utility deposits, and \$10,000 for COVID related expenses such as deep cleaning and personal protective equipment. If VOCA grant funding ceases, the positions will be deleted from the Victim Services complement. R2006-0099 authorized the County Administrator or designee to execute operational agreements with the State of Florida, Office of the Attorney General, Bureau of Advocacy and Grant Management on behalf of the Palm Beach County Board of County Commissioners. **The match requirement for the funds allocated in the increased budget authority amendment was waived.** Countywide (JW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

7. Staff recommends motion to:

A) approve an Interlocal Agreement for Civil Drug Court with the City of Riviera Beach for the period October 1, 2021 through September 30, 2024 in the amount of \$401,700 to provide support to the Civil Drug Court and substance use treatment services; and

B) authorize the County Administrator or designee to execute amendments and administrative documents associated with the above 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: The Civil Drug Court Program, located in the City of Riviera Beach, provides case management, residential, and outpatient substance use services arising from court ordered treatment for indigent clients in Palm Beach County who are unable to recognize their need for treatment and/or are unable to obtain the treatment service needed to begin their recovery. This Interlocal Agreement funds a Certified Assessor, Case Manager, Community Coordinator, operating costs, and treatment; including aftercare services and community housing. The approval of this Interlocal Agreement will enable the Civil Drug Court to continue assisting clients to reduce substance use relapse and criminal recidivism through more intensive treatment services. Countywide (SF)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. Staff recommends motion to receive and file: a Behavioral Health Cooperative Agreement and Contract/Agreement Addendum Concerning Student Information (Agreement) with the School Board of Palm Beach County, Florida (School District) to provide school based therapeutic services to students and families attending schools in Palm Beach County for the period July 1, 2021, through June 30, 2024, at no additional cost to the County. **SUMMARY:** The Youth Services Department's Residential Treatment and Family Counseling Division-Youth and Family Counseling program therapists will continue to receive referrals from the School District and provide on-site and virtual individual, family and/or psycho-educational group therapy services to students and their families. On June 5, 2001, R2001-0892 authorized the County Administrator or designee to execute future standard Cooperative Agreements with the School District on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (HH)

CC. SHERIFF

1. Staff recommends motion to:
 - A) receive and file** Grant Modification Amendment 1 with the State of Florida, Office of the Attorney General (OAG) to provide an additional \$92,250 in grant funds for the Palm Beach County Sheriff's Office; and
 - B) approve** a budget amendment of \$92,250 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners accepted this grant award for \$149,271 on March 9, 2021 (R2021-0372). This Grant Modification #1 will provide an additional \$92,250 in grant funding to support the hire of one additional full time victim advocate position to concentrate on victims of human trafficking and other victims of violent crimes in Palm Beach County. The PBSO will provide the additional required cash match in the amount of \$19,493 through its approved operating budget. An increase in funding from the County may be requested through our annual budget process once the grant ends to support the additional position. The OAG Catalog of Federal Domestic Assistance Number for this program is 16.575 and OAG grant number VOCA-2020-Palm Beach County Sheriff-00745. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. Staff recommends to motion to receive and file: a Modification #1 to Grant Award Agreement between the Department of Justice, Office of Justice Programs and the Palm Beach County Sheriff's Office to extend the grant period from September 30, 2021 through September 30, 2022. **SUMMARY:** The Board of County Commissioners accepted this grant for \$1,000,000 on December 18, 2018. This agenda item will extend the grant period from September 30, 2021 through September 30, 2022. The Department of Justice Office of Justice Programs Catalog of Federal Domestic Assistance Number for this program is 16.817 and the contract number is 2018-BJ-BX-0004. Countywide (LDC)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Memorandum of Agreement with the City of Miami for a FY20 Urban Area Security Initiative (UASI) Grant in the amount of \$1,069,108 for the period of June 8, 2021 through June 30, 2022, and

B) approve a budget amendment of \$1,069,108 in the Sheriff's Grant Fund.

SUMMARY: On May 19, 2021, the Palm Beach County Sheriff's Office (PBSO) received a grant award in the amount of \$1,069,108 for the FY20 UASI Grant Program. The UASI is a federally-funded homeland security grant program, pass-through the State of Florida to the City of Miami, as the UASI's fiscal agent. The funds will be used for various domestic security initiatives within the County and the Southeast Florida Region 7, including intelligence operations, training and exercises, and equipment for our specialty teams. There is no match requirement associated with this award. The Catalog of Federal Domestic Assistance number is 97.067 and the contract number is R0232. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

4. Staff recommends motion to approve: a budget transfer of \$1,340 from the Federal Justice Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** The 2018 Guide to Equitable Sharing for State, Local and Tribal Law Enforcement Agencies (GUIDE), provides that seizing law enforcement agencies shall use Justice and Treasury Forfeiture proceeds for law enforcement purposes only. Permissible uses include: law enforcement operations and investigations; law enforcement training and education; law enforcement, public safety, and detention facilities; law enforcement equipment; joint law enforcement/public safety operations; contracts for services; law enforcement travel and per diem; law enforcement awards and memorials; drug, gang and other prevention or awareness programs; matching grants; and support of community-based organizations. The transfer of Federal Justice LETF requested above is needed to make an adjusting accounting entry requested by the Department of Justice for their year-end Equitable Sharing Agreement Certification. The current Federal Justice LETF balance is \$122,478. Approval of this request will reduce the Federal Justice LETF balance to \$121,138. The PBSO certifies that the use of these funds is in accordance with the GUIDE. No new positions are needed and no additional County funds are required. Countywide (DC)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

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

A) MGO USA, Inc., for the promotion of the 2021 World Baseball Softball Confederation (WBSC) Baseball Americas Qualifier, held from May 31 – June 5, 2021, for the term May 31, 2020 – September 5, 2021. This grantee was approved by the TDC on April 8, 2021, in the amount of \$100,000; and

B) Prospect Select Baseball, Inc., for the promotion of the Prospect Select Baseball National Showcase – Palm Beach Classic & Palm Beach Classic Futures, held from June 8 – 14, 2021, for the term January 8 – September 14, 2021. This grantee was approved by the TDC on February 11, 2021, in the amount of \$25,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners adopted resolution (R94-207) authorizing the Executive Director of the Tourist Development Council to enter into grant agreements with Category G (Sports) grantees after they have been approved by the Tourist Development Council. These grant agreements generated a combined total of 9,407 room nights and also funded events which promoted sports tourism in Palm Beach County. Districts 1, 3 & 7 (LDC)

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. Staff recommends motion to approve: payment in an amount not to exceed \$9,000 for participation in the 15th Annual Palm Beach Partners Business Matchmaker Conference & Expo, which will be held on September 17, 2021. **SUMMARY:** The Palm Beach County Office of Equal Business Opportunity, Department of Airports, and Palm Tran are participating with the South Florida Water Management District (SFWMD), the School District of Palm Beach County, the City of West Palm Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center), and the Solid Waste Authority (SWA) to present the 2021 Business Matchmaker Conference & Expo (a statewide conference). This is the 15th Annual Matchmaker Conference & Expo held in Palm Beach County, and Palm Beach County will contribute a total of \$9,000 with the County's contribution broken down as follows: the Office of Equal Business Opportunity – \$3,000, Department of Airports – \$3,000, and Palm Tran – \$3,000. Payment will be made on or before August 31, 2021, to the TED Center, the fiscal agent for the conference. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental and non-profit partners. Countywide (DB)

FF. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a term expiring on June 13, 2022.

Board Member

Ronald Daniels
Joanne Rufty

Office

Chair
Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven At-Large members from residents and local businesses within the CRA boundaries. At the June 14, 2021 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be 12 months, beginning with the date of election. Districts 2 & 7 (RB)

3. CONSENT AGENDA APPROVAL

FF. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY (Cont'd)

2. Staff recommends motion to approve: the following appointments to the Westgate Community Redevelopment Agency (CRA) Board:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>	<u>Term Ending</u>
1	Enol P. Gilles	Business Owner	Comm. Maria G. Marino Comm. Gregg K. Weiss Vice-Mayor Robert S. Weinworth Comm. Melissa McKinlay Mayor Dave Kerner Comm. Mack Bernard	5/31/25
2	Joseph H. Kirby	Business Owner	Comm. Maria G. Marino Comm. Gregg K. Weiss Vice-Mayor Robert S. Weinworth Comm. Melissa McKinlay Mayor Dave Kerner Comm. Mac Bernard	5/31/25
3	Ralph Lewis	Business Owner	Comm. Maria G. Marino Comm. Gregg K. Weiss Vice-Mayor Robert S. Weinworth Comm. Melissa McKinlay Mayor Dave Kerner Comm. Mack Bernard	5/31/25
7	Joanne Rufty	Resident	Comm. Maria G. Marino Comm. Gregg K. Weiss Vice-Mayor Robert S. Weinworth Comm. Melissa McKinlay Mayor Dave Kerner Comm. Mack Bernard	5/31/25

SUMMARY: The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate CRA) Board consists of seven At-Large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners appoint the Westgate CRA Board Members. After duly advertising, the Westgate CRA held its meeting on May 10, 2021 to nominate candidates to fill seats 1, 2, 3 and 7. Enol P. Gilles, a business owner, has expressed a willingness to remain on the CRA Board in Seat 1. Joseph H. Kirby, a business owner, has expressed a willingness to remain on the CRA Board in Seat 2. Ralph Lewis, a business owner has expressed a willingness to remain on the CRA Board in Seat 3. Joanne Rufty, a resident, has expressed a willingness to remain on the CRA Board in Seat 7. Districts 2 & 7 (RB)

3. CONSENT AGENDA APPROVAL

GG. OFFICE OF EQUAL OPPORTUNITY

1. Staff recommends motion to:

A) approve Contract No. 45310021C0038 with the U. S. Equal Employment Opportunity Commission (EEOC) in the total amount of \$75,400 as payment for processing and resolving employment discrimination complaints;

B) approve a net upward budget amendment of \$2,400 in the General Fund to adjust the budget to the actual contract amount; and

C) receive and file the FY 2021 Worksharing Agreement with the EEOC.

SUMMARY: Execution of the documents is required so that the Office of Equal Opportunity (OEO) can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. Contract No. 45310021C0038 is for FY 2020 – 2021 and is in the amount of \$75,400 (\$71,200 for charge processing; \$3,200 for intake services; and \$1,000 for Fair Employment Practices Agencies engagement funding). The Worksharing Agreement is designed to provide individuals with an efficient procedure for obtaining redress for their grievances under Palm Beach County's Equal Employment Ordinance and Federal laws. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract with the EEOC. On November 26, 1996, the Board of County Commissioners approved staff's recommendation that future Worksharing Agreements be executed by the County Administrator or designee because of the recurring time constraints involved in this process. Pursuant to Countywide PPM-CW-O-051, the document is now being submitted to the BCC to receive and file. **No County funds are required.** Countywide (DO)

HH. INSPECTOR GENERAL

1. Staff recommends motion to approve: a three year term contract, between ~~Thomas Thomson~~ Reuters (Westlaw) and Palm Beach County, Office of Inspector General, for a legal research subscription, in the amount of \$11,098.92 for the period of August 31, 2021 through August 31, 2024. **SUMMARY:** Monthly cost for the first year of this contract will be \$293.39 (\$3,520.68 annual cost) beginning August 31, 2021. Monthly cost for the second year will be \$308.06, a 5% increase from year one (\$3,696.72 annual cost). Monthly cost for the third year will be \$323.46, a 5% increase from year two (\$3,881.52 annual cost). The Contract requires the County agree to a limitation of liability for direct damages in the amount of 12 months the County has paid to Westlaw prior to the claim arising, which deviates from the County's standard contract terms. However, there is no limitation of liability for fraud, fraudulent misrepresentation, willful misconduct, or conduct that demonstrates reckless disregard for the rights of others; negligence causing death or personal injury; or infringement of intellectual property rights. In accordance with PPM CW-F-049, the Department of Risk Management and the County Attorney's Office have reviewed the terms and have agreed to the deviations. Countywide (AH)

AUGUST 17, 2021

4. SPECIAL PRESENTATIONS – 9:30 A.M.

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

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

A. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

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

B) adopt the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment for the Bishoff Road, Dead End to Jog Rd., road improvement project;

C) adopt the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment for the abatement of nuisance conditions; and

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

SUMMARY: On December 16, 1997 the Board approved Resolution 97-2152, and on November 15, 2011, the Board approved Resolution 2011-1833, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method in Resolution 97-2152 provides for inclusion of water and street improvement project special assessments on the tax bill. The Uniform Method in Resolution 2011-1833 provides for the abatement of nuisance conditions. The unit of measurement and the total revenue amount of the assessments for the Bishoff Road, Dead End to Jog Rd., road improvement project is \$233.18 per Front-footage and \$309,868.24, excluding any interest or other costs. Five properties have paid their assessments in full and the remaining nine properties are being assessed over 20 years. The unit of measurement and total revenue amount of the assessments for the nuisance abatement projects are set forth as an attachment to the agenda item. Placing these accounts on the tax bill reduces administrative (including collections) costs and provides for a more efficient collection of amounts due to the County. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2021 tax bill. Countywide (DB)

5. PUBLIC HEARINGS – 9:30 A.M.

B. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the issuance of one or more series of Revenue Bonds by the Palm Beach County Educational Facilities Authority in an aggregate principal amount not to exceed \$40,000,000 (the Bonds) for the purpose of financing and refinancing the Project as described therein. **SUMMARY:** Palm Beach Atlantic University (PBAU) has requested the Palm Beach County Educational Facilities Authority (Authority) issue tax-exempt Revenue Bonds in an amount not to exceed \$40,000,000, pursuant to a Tax Equity and Fiscal Responsibility Act public hearing held on August 11, 2021 by the Palm Beach County Educational Facilities Authority. The bonds will be issued by the Authority for the purpose of providing funds to PBAU to refinance all or a portion of the Authority's Series 2012 Bonds and conventional debt of PBAU, and to finance capital expenditures at PBAU's campus located at 901 South Flagler Drive, West Palm Beach, Florida 33401 (collectively, the Project). All facilities to be financed and refinanced by the Bonds are owned and operated by PBAU. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 7 (DB)

5. PUBLIC HEARINGS – 9:30 A.M.

B. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of one or more series of Palm Beach County Health Facilities Revenue Bonds (Lifespace Communities, Inc.) by the Palm Beach County Health Facilities Authority in an aggregate principal amount not to exceed \$22,000,000 (the Bonds) for the purpose of financing the Project as described herein. **SUMMARY:** Lifespace Communities, Inc., an Iowa nonprofit corporation (Corporation), has requested the Palm Beach County Health Facilities Authority (Authority) issue Revenue Bonds in an amount not to exceed \$22,000,000 pursuant to a Tax Equity and Fiscal Responsibility Act public hearing held on July 21, 2021 by the Authority. The bonds are to be issued by the Authority for the purpose of providing funds to the Corporation to finance, refinance, and reimburse the costs of additions renovations, remodeling, equipping and miscellaneous capital improvements to the life care communities of Lifespace Communities, Inc., known as Abbey Delray, located at 2000 Lawson Boulevard, Delray Beach, FL 33445; Abbey Delray South located at 1717 Homewood Boulevard in Delray Beach, Florida 33445, Harbour's Edge located at 401 East Linton in Delray Beach, Florida 33483, and Village on the Green, located at 500 Village Place, Longwood, FL 32779. All facilities to be financed by the Bonds are owned or leased and operated by the Corporation. The Authority issues Bonds to finance projects for the Village on the Green community pursuant to an Interlocal Agreement between the Authority and Seminole County. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** Districts 4 & 7 (DB)

5. PUBLIC HEARINGS – 9:30 A.M.

C. ADMINISTRATION

1. **DELETED AND MOVED TO PUBLIC HEARING ON AUGUST 26, 2021 AT 9:30AM:**
~~Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the “Palm Beach County Local Provider Participation Fund Ordinance”; providing for a title; providing for applicability; providing for definitions; providing for purpose; providing for alternative method; providing for assessment; providing for computation of assessment; providing for assessment resolution; providing for non-ad valorem assessment roll; providing for notice by publication; providing for notice by mail; providing for adoption of assessment resolution and non-ad valorem assessment roll; providing for annual final assessment resolution; providing for effect of annual final assessment resolution; providing for method of collection; providing for refunds; providing for enforcement; providing for indemnification; providing for correction of errors and omissions; providing for limitations on surcharges; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** On July 28, 2021, the BCC held a preliminary reading of this Ordinance and authorized advertising for public hearing. The Ordinance will establish a Palm Beach County Local Provider Participation Fund (LPPF). The LPPF will require hospitals located in the Agency for Health Care Administration’s (AHCA) Region 9, which is Palm Beach County, to pay a uniform, non-ad valorem special assessment, set annually by resolution by the Board of County Commissioners, on hospitals that have an ownership or leasehold interest in real property in Palm Beach County. Funds collected through the LPPF assessments, will be sent to AHCA through intergovernmental transfers, consistent with federal guidelines, as the non-federal share of increased Medicaid managed care payments facilitated under a new hospital directed payment program (DPP), which was approved for the State of Florida this year by the Centers for Medicare & Medicaid Services (CMS) under the provisions of 42 C.F.R. § 438.6(c). Through the DPP, AHCA would make payments to Medicaid managed care organizations (MCOs) in order to fund increased payments by MCOs to the local hospitals to fund services provided to Medicaid patients. It is estimated the local hospitals incur over \$100 million in uncovered Medicaid costs annually, or .60 cents on each dollar of coverage rendered to a Medicaid patient. The LPPF program will leverage federal dollars, in an estimated amount of \$70M – \$80M annually, which will help to close the gap related to the uncompensated portion of Medicaid reimbursements. Pursuant to Board direction, hospitals must execute indemnification and/or assent agreements, and provide an explanation regarding how the assessment will benefit the real property, and how the hospitals will use the funds to advance the goals and objectives of the managed care State quality strategy, in accordance with 42 C.F.R. § 438.6(c) Preprint Medicaid, as approved by CMS. Countywide (HH)~~

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6. REGULAR AGENDA

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: Amendment Number One (Amendment) to the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) (Contract No. AS-881) for the State Road 7 Construction and Reconstruction Project from Okeechobee Blvd. to Northlake Blvd. (Project), to extend the JPA for a four-year period beginning on June 30, 2021 and ending on June 30, 2025, unless the Project is completed at an earlier time as evidenced by the written acceptance of FDOT. **SUMMARY:** The Board approved the JPA on December 19, 2017 (R2017-1952); it was executed by FDOT on January 22, 2018. The JPA was clarified by FDOT on September 21, 2020 and approved by the County Administrator on September 25, 2020. The JPA detailed County and FDOT responsibilities related to the acquisition, preservation and maintenance of high quality wetlands and uplands within the unused portion of the SR 7 right of way to help satisfy Everglade snail kite mitigation requirements for the joint Project. The JPA was originally scheduled to end on June 30, 2021. However, successful completion of the necessary due diligence and required land acquisitions/transfers and conservation easement have taken longer than expected. On April 6, 2021 (R2021-0461), the Board approved a three-step process to complete the remaining requirements of the JPA. Execution of the time extension Amendment by the County Administrator was authorized in Board Agenda Item 5C-1 on December 19, 2017. The Amendment will allow the County and FDOT sufficient time to complete the remaining due diligence, land acquisition/transfer and conservation easement tasks required by the JPA, as clarified. All other provisions of the JPA, as clarified, remain the same. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** Districts 1, 2 & 6 (SS)

6. REGULAR AGENDA

B. LIBRARY

1. Staff recommends motion to approve: the County Library's Strategic and Long-Range Plan for FY 2022 through FY 2024. **SUMMARY:** This Plan represents the Library's mission statement, goals and objectives, and strategic plan for FY22 through FY24. This process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid grant funds and with the County's budget process. The Library Advisory Board endorsed this Plan with Resolution 21-01, dated July 12, 2021. The Plan for FY22-24 has been updated to reflect the anticipated changes brought about by the COVID-19 pandemic with a shift toward providing more electronic resources, developing a hybrid approach to activities by offering both in-person and virtual activities, and carefully transitioning back to our pre-COVID levels of service. In addition, the Wellington Branch and the Lantana Road Branch will be completing their renovations. Both branches are expected to reopen in the first quarter of FY22. Countywide (AH)

Highlights of the Plan for FY 2022 include:

- Providing access to a collection of print, non-print, and electronic resources for borrowing and research that supports the needs and interests of the citizens of Palm Beach County;
- Promoting inclusivity and embracing diversity in staffing, collections, services, activities and spaces;
- Addressing food insecurity in the community by partnering with local organizations to distribute meals from library locations and by hosting Supplemental Nutrition Assistance Program benefit consultations at select library locations;
- Offering public technology instructional activities to meet the digital literacy needs of adults and children, including through in-person training sessions; and
- Designing family learning opportunities to improve a child's ability to achieve academically with continuing emphasis on children's classes and activities, including virtual options.

6. REGULAR AGENDA

C. COMMUNITY SERVICES

1. Staff recommends motion to:

A) receive and file the Emergency Rental Assistance Program 2 (ERAP-2) award, which includes receipt of \$19,568,705.56, which represents 40% of Palm Beach County's allocation of \$48,921,763.90;

B) approve a budget amendment of \$49,171,764 within the ERAP-2 Fund to recognize the ERAP-2 funding, establish a budget for the accepted ERAP-2 funding and recognize interest earned from ERAP-1 and ERAP-2;

C) approve nine full-time equivalent positions, which include four Community Outreach Specialist I positions (PG 20), two Community Outreach Specialist II positions (PG 22), one Fiscal Specialist III position (PG 26), Customer Service Supervisor (PG 29) position, and one Outreach & Public Information Coordinator position (PG 33); and

D) approve access to Palm Beach County's Online System for Community Access to Resources and Social Services (OSCARSS) to other governmental entities or nonprofit partners for the purpose of coordination of services and increased access to services.

SUMMARY: Pursuant to the ERAP-2 program, the County received an automatic payment of \$14,304,591.64 (representing 40% of the total regular allocation) on May 7, 2021 and \$5,264,113.92 (representing 40% of the high-need allocation) on May 19, 2021. As of June 23, 2021, \$134,235.55 interest has been earned and an additional \$115,764 is anticipated to be earned through the end of the program. This program was established under Section 3201 of the American Rescue Plan Act of 2021, signed into law on March 7, 2021. Funds must be spent by September 30, 2025, and at least 50% must be obligated by March 31, 2022 in order to receive remaining funding. Funds can be used for rent and utility assistance for renter households in which at least one or more individuals meet the following criteria: 1) qualifies for unemployment or has experience a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic; 2) demonstrates a risk of experiencing homelessness or housing instability; and 3) has a household income at or below 80% of the area median income. ERAP-2 will run concurrently with ERAP-1, which was approved by the Board of County Commissioners on March 9, 2021. The Community Services Department (CSD) continues to respond to rental and utility assistance needs of Palm Beach County residents resulting from the pandemic. From March 11, 2020 through June 30, 2021, CSD assisted 7,491 households with rental and utility assistance in an amount totaling \$40,090,441 through a variety of federal funding sources appropriated as a result of the pandemic. The nine positions are needed to manage the program through the year 2025 and will be eliminated if funding is no longer available. Access to OSCARSS will be granted to partner agencies upon execution of user agreements. The Catalog of Domestic Assistance number is 21.023. **No County match required.** (Community Services) Countywide (HH)

6. REGULAR AGENDA

C. COMMUNITY SERVICES (Cont'd)

2. Staff requests motion to approve:

A) proposed allocations for Notice of Funding Opportunity (NOFO) funding in the Homelessness and Behavioral Health service categories, along with Domestic Violence/Sheltering, Seniors and Special Needs/Developmental Disabilities subcategories under the Financially Assisted Agencies (FAA) Program for the period October 1, 2021, through September 30, 2022, in a total amount not-to-exceed \$8,261,704; and

B) allocations for renewal funding in the Economic Stability, Seniors and Strategic Partnerships Categories, along with the Special Needs/Developmental Disabilities Subcategory under the FAA Program, for the period October 1, 2021, through September 30, 2022, in a total amount not-to-exceed \$5,104,287.

SUMMARY: This item provides the recommended FY 2022 funding allocations for the FAA Program. The FAA recommendations in Homelessness and Behavioral Health service categories, along with the Domestic Violence/Sheltering, Seniors and Special Needs/Developmental Disabilities subcategories reflect the results of a NOFO process initiated on March 11, 2021. Homelessness data from the 2020 Point in Time Count, Leading the Way Home, Palm Beach County's Plan to End the Cycle of Homelessness and a gathering of system providers on November 19, 2020 was used to establish priorities in funding for the Homelessness category. Palm Beach County's Opioid Epidemic Response Plan and the Ronik-Radlauer Group Inc. Behavioral Health Needs assessment were used to establish funding priorities in the Behavioral Health category. Review panels met on May 18, 2021 through May 28, 2021 to review, score and rank the proposals. Allocations in the other FAA categories are based on prior year's funding as this is a renewal year in the three-year cycle for those categories. The total amount of funding being allocated in this item is \$13,365,991 Funding for these allocations is included in the County Administrator's proposed FY 2022 budget and is subject to approval by the Board of County Commissioners in September 2021. (Financially Assisted Agencies) Countywide (HH)

6. REGULAR AGENDA

C. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: five full-time equivalent grant-funded positions, which includes three Case Manager I positions (PG 24) and two Case Manager Trainee positions (PG 19), at an annual cost of \$318,884 for the Division of Human Services (Division). **SUMMARY:** As a result of growing issues surrounding homelessness, including the addition of three new homeless facilities (Lewis Center Annex, Intake Center in Belle Glade, and the non-congregate shelter in Pahokee) and the Homeless Resource Center 2, soon to be under construction, and the rise in need for services due to the COVID-19 pandemic, the call volume to the County's coordinated system has increased dramatically. In 2019, 15,890 calls were received, with 6,774 of the calls related to homelessness issues. In 2020, 182,530 calls were received, with 42,060 homelessness-related calls. A total of 6,758 calls were referred to nonprofit partners while the remaining calls were referred within the County. A call center was established to assist with the high call volume; however, additional staffing is necessary to manage the calls and ensure residents receive the services they need and ensure calls are answered after hours, including calls from local law enforcement. With the new positions, a Community Services Contact Center will be available 24 hours a day, 7 days a week. The Department has identified funding for the new positions from the Community Development Block Grant, through an inter-departmental agreement with the Department of Housing and Economic Sustainability. The grant-funded positions will be for the length of the grant and will be eliminated if funding is discontinued. **No County funds are required.** (Division of Human Services) Countywide (HH)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

A) approve a HOME Investment Partnerships Program (HOME) award of \$715,000 to Autumn Ridge Apartments, Ltd;

B) direct staff to negotiate the Grant Agreement; and

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

SUMMARY: On May 28, 2021, the Department of Housing and Economic Development issued Request for Proposals HES.2021.1 making up to \$800,000 in Federal HOME funding available for a Local Government Area of Opportunity Funding grant contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. Per FHFC rules, the LGAOF contribution may only be made to one project. A selection committee consisting of five voting members met at a public meeting held on July 14, 2021, and recommended funding a \$715,000 grant to Autumn Ridge Apartments, Ltd. (an affiliate of Landmark Development Corp. and the West Palm Beach Housing Authority) for Autumn Ridge Apartments, a multifamily rental development to be located at 1580 – 1610 N. Congress Avenue, West Palm Beach, in the unincorporated Westgate/Belvedere Homes CRA. The project will construct 106 one- and two-bedroom apartments for the elderly, including affordable and workforce units as follows: 16 units for 30% of Area Median Income (AMI), 68 units for 60% AMI, 12 units for 80% AMI, one unit for 100% AMI, four units for 120% AMI, and five units for 140% AMI. The project will include 11 HOME-assisted units of which three will be set aside for 30% AMI and eight will be set aside for 60% AMI. The HOME-assisted units will remain affordable for no less than 30 years. The HOME award is contingent on FHFC approval of 9% Housing Credits for Autumn Ridge Apartments. If the 9% Housing Credits are not approved by FHFC, the HOME award to Autumn Ridge Apartments, Ltd. will be automatically cancelled and the HOME funds will be reprogrammed. The Grant Agreement and related documents pursuant to these HOME funds will be between the County and Autumn Ridge Apartments, Ltd. (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator or designee to execute the Grant Agreement and related documents. **These are Federal HOME Program grant funds which require a 25% local match provided by State SHIP grant funds.** District 7 (HJF)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) the proposed Fiscal Year 2021-2022 State Housing Initiatives Partnership (SHIP) Program budget allocations for affordable housing strategies as follows:

• Purchase Assistance	\$1,500,000
• Replacement Housing	\$ 331,888
• Foreclosure Prevention	\$ 161,105
• Owner Occupied Housing Rehabilitation	\$1,125,000
• Emergency Repairs	\$ 750,000
• Single Family New Construction	\$1,000,000
• Developer Rental Assistance Program	\$1,000,000
• Project Delivery	\$ 733,000
• Administrative Costs	\$ 733,000

B) a budget amendment to the Affordable Housing Trust Fund 2020-2021 Budget to recognize a funding allocation for the Fiscal Year 2021-2022 State Housing Initiative Partnership (SHIP) Program grant award of \$7,333,993.

SUMMARY: Staff recommends that the Board of County Commissioners (BCC) approve the proposed SHIP budget allocations for Fiscal Year 2021-2022. Palm Beach County receives an annual allocation from the State of Florida Housing Finance Corporation through the SHIP Program to implement various affordable housing programs and other related activities. On April 16, 2019, the BCC approved the SHIP Local Housing Assistance Plan for fiscal years 2019-2020, 2020-2021 and 2021-2022 (R2019-0547). For Fiscal Year 2021-2022, Palm Beach County will receive \$7,333,993. At the July 7, 2021 public meeting of the Commission on Affordable Housing, staff's proposed budget recommendations received unanimous support. SHIP regulations require that a minimum of 65% of a local jurisdiction's SHIP funding be allocated to homeownership activities, and 20% of the fiscal year's funding allocation be expended on special needs households. Special needs households will be assisted through the Purchase Assistance, Foreclosure Prevention, Owner Occupied Housing Rehabilitation, Emergency Repair, Single Family New Construction, and the Developer Rental Assistance Program strategies. In accordance with SHIP regulations, the funds need to be encumbered within two years and expended within three years of allocation. **These are State SHIP funds which require no local match.** Countywide (HJF)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

3. Staff recommends motion to:

A) approve an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$20,384 to Riviera Beach Community Development Corporation for the Villas at Solana project;

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

C) approve a budget transfer of \$17,574 in Impact Fee Assistance Program – Roads Zone 1 to appropriate funds for the Villas at Solana project;

D) approve a budget transfer of \$1,787 in Impact Fee Assistance Program – Parks Zone 1 to appropriate funds for the Villas at Solana project; and

E) approve a budget transfer of \$1,023 in Impact Fee Assistance Program – Public Building to appropriate funds for the Villas at Solana project.

SUMMARY: On February 12, 2021, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$3,124,923 in IFAHAP funding available from Palm Beach County's Fiscal Year 2020 funding cycle. Riviera Beach Community Development Corporation (RBCDC) submitted an application in response to the NOFA. Staff recommends that up to \$20,384 be provided as a credit for impact fees associated with the Villas at Solana project (Project). RBCDC will be given credits for Roads Zone 1 Impact Fees (\$17,574), Parks Zone 1 (\$1,787) and Public Building Zone1 (\$1,023) Impact Fees for the construction of the Project. RBCDC will pay impact fees above the allocated \$20,384. The Project entails construction of 28 for-sale townhomes consisting of 12 two bedrooms units at 1,163 sq. feet and 16 three bedrooms units at 1,721 sq. feet each. The units will be constructed on 3211 & 3201 Avenue J, east of the FEC railroad tracks, in the City of Riviera Beach. RBCDC is requesting IFAHAP assistance for 6 of the 28 units. The project will provide affordable homes to first time homebuyers with income no greater than 140% of the Area Median Income. The units will be restricted to remain affordable for 15 years. **These funds are from interest earned by the Impact Fee Fund.** District 7 (HJF)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

4. Staff recommends motion to:

A) approve an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$366,775 to Berkeley Landing Ltd. for the Berkeley Landing rental project;

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

C) approve a budget transfer of \$322,190 in Impact Fee Assistance Program – Roads Zone 1 to appropriate funds for the Berkeley Landing rental project;

D) approve a budget transfer of \$26,594 in Impact Fee Assistance Program – Parks Zone 1 to appropriate funds for the Berkeley Landing rental project; and

E) approve a budget transfer of \$17,991 in Impact Fee Assistance Program – Public Building to appropriate funds for the Berkeley Landing rental project.

SUMMARY: On February 12, 2021, the Department of Housing and Economic Development issued a Notice of Funding Availability (NOFA) making \$3,124,923 in IFAHAP funding available from Palm Beach County's Fiscal Year 2020 funding cycle. Berkeley Landing Ltd. submitted an application in response to the NOFA. Staff recommends that up to \$366,775 be provided as a credit for impact fees associated with the Berkeley Landing rental project (Project). Berkeley Landing Ltd. will be given credits for Roads Zone 1 (\$322,190), Parks Zone 1 (\$26,594) and Public Building Zone 1 (\$17,991) Impact Fees for the construction of the Project. Berkeley Landing Ltd. will pay impact fees above the allocated \$366,775. The Project entails construction of a 112 multi-family rental complex located at 3100 and 3124 Broadway in the City of Riviera Beach. The developer is requesting IFAHAP assistance for 110 of 112 units. The project will provide affordable housing to tenants with income between 30% and 80% of the Area Median Income. The units will be restricted to remain affordable for 30 years. **These funds are from interest earned by the Impact Fee Fund.** District 7 (HJF)

6. REGULAR AGENDA

E. WATER UTILITIES

1. **Staff recommends motion to approve:** a Settlement Agreement and Amendment No. 2 to Reclaimed Water Agreement (Settlement Agreement/Amendment No. 2) with Florida Power and Light (FPL). **SUMMARY:** Palm Beach County (County) and FPL entered into a Reclaimed Water Agreement dated May 20, 2008 (R2008-0906) (Agreement). In accordance with the Agreement, a Reclaimed Water Project (RWP) was constructed, consisting of a reclaimed water plant located adjacent to the East Central Regional Water Reclamation Facility (ECR), a reclaimed water pipeline from the ECR to FPL's West County Energy Center (WCEC), and certain other facilities located at the WCEC. In accordance with the County's Interlocal Agreement with the ECR (R2008-0907) (ECR Interlocal), the ECR provides treated wastewater from the ECR to the RWP to produce reclaimed water for delivery to the WCEC. The County issued bonds for the capital costs of the RWP, and FPL is responsible for repayment of the bonds. In addition, FPL is responsible for the payment of all operation and maintenance costs of the RWP. Pursuant to the Agreement, FPL is to receive up to 22 million gallons per day (MGD) annual average daily flow and 27 MGD peak usage of reclaimed water for cooling and other purposes at the WCEC. The Agreement contains certain reclaimed water quality requirements, and pursuant to Section 9.3 of the Agreement, the County is required to provide 3.2 MGD of potable water at no cost to FPL on days when the quality requirements are not met. The Agreement was amended by Amendment No. 1 to the Agreement dated January 24, 2012 (R2012-0212). On September 26, 2016, and in accordance with the Agreement, FPL provided the County with a notice of dispute letter (Dispute Letter) regarding a failure of the County to deliver reclaimed water in accordance with certain supply and quality requirements under the Agreement. Said failure related to deteriorating conditions at the ECR, which affected the quality of the treated wastewater provided to the RWP for treatment and delivery to the WCEC. The key terms of the Settlement Agreement/Amendment No. 2 include a mutual release of all claims that the parties had as of May 2, 2021 on account of, or in any way growing out of, the Dispute Letter. This includes, but is not limited to, any damages that FPL may have had in relation to the reclaimed water not meeting quality requirements. In addition, FPL agrees to waive certain claims related to additional potable water credits that FPL asserts that they are owed under Section 9.3 of the Agreement, and the County agrees to waive certain claims for additional potable water charges that the County asserts that FPL owes under the Potable Water Supply Agreement dated September 22, 2015 between the County and FPL (R2015-1344) (Potable Water Supply Agreement).

6. REGULAR AGENDA

E. WATER UTILITIES (Cont'd)

1. **SUMMARY (Cont'd):** To date, the County has authorized \$1,907,974.89 in credits under Section 9.3 of the Agreement. FPL's additional potential claims for potable water credits are approximately \$3.4 million, while the County's claims under the Potable Water Supply Agreement are approximately \$2.8 million. In addition, the Settlement Agreement/Amendment No. 2 amends the agreement by: (1) reducing the number of water quality parameters from 37 to 7; (2) increasing the acceptable limits of Ammonia from 1 mg/L to 3.5 mg/L and Nitrate from 10 mg/L to 15 mg/L; (3) implementing a seven day rolling average as the period for determining compliance with water quality parameters; (4) adding a pro rata credit of 50% of operation and maintenance fees for each day that the RWP is unable to meet FPL's reclaimed water quantity demands; (5) adding language that the County will include FPL in dispute resolution procedures with the ECR regarding the quality or quantity of reclaimed water supply delivered pursuant to the ECR Interlocal; and (6) adding language that the County will consider assigning any claims that the County may have against the ECR to FPL, where so requested by FPL. Finally, the Settlement Agreement/Amendment No. 2 provides additional clarification and examples relating to any future credits which may be owed under the Agreement. Countywide (MJ)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to:

A) adopt a resolution authorizing a first amendment to the license agreement with Hive Home, Inc. (Hive Home) for the use of approximately 0.15 acres of unimproved property for parking spaces located on Palm Street in West Palm Beach extending the term from September 1, 2021 through August 31, 2026 for a monthly fee of \$910; and

B) approve a first amendment to license agreement with Hive Home, Inc.

SUMMARY: In May 2016, an Invitation for Bid (IFB) was issued for the licensing of the County's parking lot located on Palm Street in West Palm Beach. Hive Home was the only bidder at \$840/month. On August 16, 2016, the Board of County Commissioners (Board) approved the current License Agreement (R2016-0990) which will expire on August 31, 2021 with no extension options remaining. Hive Home requested an extension of the license agreement. The County has no present use for the parking lot and would not recommend any other use of the property except for its current use. Pursuant to Section 22-104 (d) (1) and (2) of the Palm Beach County Ordinances, the Board has the discretion to extend an existing agreement, in lieu of issuing a new IFB, upon a finding that it is in the best interest of the County. This first amendment will extend the term for five years from September 1, 2021 thru August 31, 2026 at a monthly fee of \$910. All other terms of this license agreement will remain in full force and effect. PREM will continue to have administrative responsibility of the license agreement. (Property & Real Estate Management) District 7 (HJF)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) adopt a resolution authorizing a fourth amendment to Concessionaire Service Agreement (R2013-1018) with Hawkhaven, LLC d/b/a Lazy Loggerhead Café (Hawkhaven) for the continued operation of an approximately 1,300 SF concession building at Carlin Park in Jupiter from September 1, 2021 through August 31, 2022 at seven percent (7%) of monthly gross sales; and

B) approve the fourth amendment to Concessionaire Service Agreement (R2013-1018) with Hawkhaven, LLC d/b/a Lazy Loggerhead Café.

SUMMARY: Hawkhaven manages and operates the Lazy Loggerhead Café in Carlin Park pursuant to a Concessionaire Service Agreement (Agreement). Due to the impacts of COVID-19, the Board approved the Third Amendment to Concessionaire Service Agreement (R2020-1193), which reduced the final extension option to one year; eliminated the guaranteed annual rent; and reduced the percentage rent to seven percent (7%). The Agreement will expire on August 31, 2021. The County is in the process of issuing a Request for Proposals for the operation of a food service concession within Carlin Park. Rather than close the concession building until a new agreement is awarded, Hawkhaven has agreed to continue to provide concession services until a new concessionaire is approved and a new agreement is awarded. Staff believes it to be in the County's best interest to extend the Agreement with Hawkhaven. This fourth amendment extends the term of the Agreement for one year, from September 1, 2021 through August 31, 2022, and modifies the E-verify – Employment Eligibility provision. All other terms of the Agreement will remain in full force and effect. Parks and Recreation Department will continue to have administrative responsibility for this Agreement. (Property & Real Estate Management) District 1 (HJF)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

3. Staff recommends motion to:

A) adopt a resolution authorizing an Amended and Restated Communications Tower Joint Use Agreement with New Cingular Wireless PCS, LLC (AT&T) for its continued use of the County's communication tower site located at 8130 N. Jog Road in West Palm Beach for a period of five years commencing on August 20, 2021 and no annual rent; and

B) approve an Amended and Restated Communications Tower Joint Use Agreement with New Cingular Wireless PCS, LLC (AT&T).

SUMMARY: On August 20, 1996, the County entered into a Communications Tower Joint Use agreement (R96-1077D) (Agreement) with BellSouth Mobility who constructed at its sole cost and expense, a 190 foot communications tower and equipment shelter located at 8130 N. Jog Road in West Palm Beach. BellSouth Mobility was later acquired by AT&T, which now operates as New Cingular Wireless PCS, LLC. The Agreement has been amended multiple times to allow for equipment modifications and to exercise extension options. In 2007, AT&T transferred ownership of the tower to the County. The Agreement is set to expire on August 19, 2021. This Amended and Restated Communications Tower Joint Use Agreement extends the term for five years with four additional five-year options, updates all County standard provisions, provides for the County Radio Administrator to approve alterations to antenna equipment, and requires AT&T to continue to be responsible, at its sole cost and expense, for maintenance of the tower and equipment shelter. The agreement will continue to be administered by Facilities Development and Operations. (Property & Real Estate Management) District 6 (HJF)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

4. Staff recommends motion to:

A) adopt a resolution authorizing the conveyance of the County's interest in a 0.104-acre parcel to the State of Florida Department of Transportation (FDOT) at no charge and without reservation of mineral and petroleum rights, release of Unity of Title Interest, reserving existing easement rights and restricting the use of the property to transportation purposes only;

B) approve a County Deed in favor of the FDOT;

C) approve a Utility Easement in favor of the City of Lake Worth Beach (City) for electrical and communication transmission lines to serve the County's property and the neighboring community; and

D) adopt a resolution approving a license in favor of FDOT for the occupancy and use of County property for tying in existing property features with the roadway improvements to be constructed by FDOT; and

E) approve a license in favor of FDOT.

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

4. **(Cont'd) SUMMARY:** On June 18, 2019 (Agenda Item 5E-1), the Board of County Commissioners (Board) approved siting the County's second Homeless Resource Center (HRC2) upon +/-5 acres of vacant County-owned property located at 3680 Lake Worth Road in western Lake Worth Beach. At that time, the Board directed staff to evaluate the possibility of providing direct vehicular access to the property via Lake Worth Road in lieu of future reliance on existing access via Coconut Road and Gulfstream Road. This item brings closure to that direction, after extensive planning, by making accommodations for a driveway connection to Lake Worth Road to serve routine daily traffic of both the existing Mid-County Senior Center and future HRC2. Due to the combined volume of traffic, a turn lane is required by FDOT. The turn lane consists of a 0.104-acre parcel, totaling 4,517 square feet, and is the subject of the Resolution authorizing the conveyance and the County Deed. To address existing title and utility conditions, the County Deed releases the Unity of Title Interest on the property, reserves existing easement rights and restricts the use of the property to transportation purposes only. The City provides electrical service to the County property and the neighboring community. To accommodate the proposed turn lane parcel, existing power poles and lines will be relocated by the City. The Utility Easement Agreement will provide the City an approximately 10' to 29' wide and 458' long replacement easement area, containing approximately 4,730 square feet (0.109 acres) to accommodate those relocated poles and lines. This easement will run along the south boundary of the turn lane parcel and is being granted at no cost since it benefits the proposed development of the HRC2 facility and existing Mid-County Senior Center. FDOT is currently in the planning and design stages for improvements to Lake Worth Road, making it more time and cost effective for FDOT to design and construct the turn lane than if separately performed by the County during development of the HRC2 project. FDOT estimates the cost to construct the turn lane for the County at \$103,598, and the Palm Beach County Transportation Planning Agency has agreed to cover that cost in full as part of its financial contribution to FDOT's improvements. The County will grant FDOT a license to occupy and use a portion of County's property for tying in existing property features with the roadway improvements to be constructed by FDOT. The license is subject to a resolution authorizing its adoption. **The conveyance on Motion B must be approved by a Supermajority Vote (5 Commissioners).** (Property & Real Estate Management) District 3/Countywide (HJF)

6. REGULAR AGENDA

G. AIRPORTS

1. Staff recommends motion to approve: Amendment No. 6 to the General Consulting Agreement with AECOM Technical Services, Inc. (AECOM) for Consulting/ Professional Services in the amount of \$1,583,691.58 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement with AECOM for general airport planning and design was approved by the Board on March 12, 2019 (R2019-0301) in the amount of \$828,984.74 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on August 20, 2019 (R2019-1160) increasing the amount of the contract by \$1,032,651.29. Amendment No. 2 was approved by the Board on February 4, 2020 (R2020-0079) increasing the amount of the contract by \$1,753,356.78. Amendment No. 3 was approved by the Board on June 16, 2020 (R2020-0639) increasing the amount of the contract by \$885,789.10. Amendment No. 4 was approved by the Board on October 6, 2020 (R2020-1514) increasing the amount of the contract by \$1,789,325 and modified Article 21, Access and Audits, of the agreement. Amendment No. 5 was approved on February 9, 2021 (R2021-0233) exercising the first one year renewal option. Approval of Amendment No. 6 will provide an additional \$1,583,691.58 to complete the following tasks: Task I Services – Palm Beach International Airport (PBI) Green Street Improvements, Department of Airports Miscellaneous Planning & Engineering Services, PBI Wallis Road Phase 2 Construction Services, PBI Replacement of Current Public Address System CA/CM Services, PBI Wind Cone Relocation and Replacement Project, PBI Repairs to Short-Term and Long-Term Parking Garages, Update Stormwater Pollution Prevention Plan (SWPPP), PBI Stormwater Master Plan (Intermediate Forecast), Department of Airports Disadvantaged Business Enterprise (DBE) Program Outreach Services, PBI Noise Report, PBI Terminal Structure Assessment/Repair Plans, PBI James L. Turnage Blvd. Bridge Repairs, and Task III Services - Miscellaneous Planning and Engineering Services. Work to be completed under these Task III Services will be issued in accordance with PPM CW-F-050, by way of a separate proposal or task authorization. AECOM is a Los Angeles, California based firm; however, the majority of the work to be completed in this agreement will be completed and/or managed through their West Palm Beach and Tampa, Florida offices in conjunction with several Palm Beach County-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. AECOM committed to 18% in its proposal. The anticipated DBE participation based upon the approved tasks is approximately 33.96%. The current paid to date DBE participation is approximately 18.57%. The DBE participation for this Amendment is approximately 19.34%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

6. REGULAR AGENDA

G. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) Amendment No. 7 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$605,906 and 244 calendar days for Work Order SMC 09: Fire Pump Replacement at Palm Beach International Airport (PBI); and

B) a budget transfer of \$605,906 in the Airport's Improvement and Development Fund, including a reclass from Reserves in the amount of \$605,906.

SUMMARY: The CM at Risk Contract with MGI was approved by the Board on August 20, 2019 (R2019-1221). The Contract is for two years with three one year renewal options for CM at Risk Services for Airport Improvements for the Department. MGI is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. MGI along with their S/MBE teaming partner Cooper Construction Management and Consulting, Inc. (Cooper), were one of two firms selected to provide project management and construction supervision services. The contract value to date is \$5,922,833.37. Approval of Amendment No. 7 in the amount of \$605,906 and 244 calendar days will enable MGI to complete SMC 09: Fire Pump Replacement at PBI. This project includes replacement of fire pump systems that support PBI. SMC 09 was presented to the Goal Setting Committee on February 3, 2021 and due to the limited availability, the Committee established an Affirmative Procurement Initiative of 10% for Small Business Enterprise (SBE). The S/MBE subcontracting participation on this work order is 11%. The current cumulative S/M/WBE subcontractor participation for all work orders to-date under this contract is 39%. In addition, MGI's S/MBE teaming partner, Cooper, will provide 15% of the Construction Management Fees. Countywide (AH)

6. REGULAR AGENDA

G. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: a contract for Ground Transportation Management System Software Services and Support (Contract) with ReserTrac, LLC (ReserTrac) to provide County with access to ReserTrac's proprietary ground transportation management system software to dispatch, manage and charge commercial ground transportation vehicle operators at the Palm Beach International Airport (PBI), including on-demand and prearranged operators and transportation network companies (TNCs) (collectively, CVOs); commencing September 1, 2021, and terminating September 30, 2022, for a total not to exceed amount of \$167,554.10; and providing for four one-year renewal options. **SUMMARY:** This Contract provides a system to dispatch, manage, track and charge for ground transportation trips by CVOs. Rather than installing an automated vehicle identification system that utilizes radio frequency identification requiring infrastructure and establishment of a holding facility, ReserTrac's ground transportation management system software is a fully virtual platform that utilizes CVO participants' mobile devices via an application to queue, dispatch and record trips and to charge and collect per trip fees. The Contract will commence on September 1, 2021, and expire on September 30, 2022, and provides for four one-year renewal terms at the County's option. On-demand and TNC per trip fees are currently self-reported by the operators, subject to an annual audit. Prearranged ground transportation operators are charged annual decal fees in lieu of per trip fees. Implementation of this system will allow the Department to establish per trip fees for all CVOs and track and collect fees using a common platform. ReserTrac is the sole source provider of this technology solution. As sole source procurement, this Contract is exempt from the Equal Business Opportunity Ordinance. Countywide (AH)

H. COUNTY ATTORNEY

1. Staff recommends motion to approve: an Employment Contract for legal services (Contract) with Lori Denise Coffman, Esquire (Coffman) for the position of County Attorney for a term of five years effective November 1, 2021. **SUMMARY:** On May 18, 2021, the Board of County Commissioners approved Coffman as County Attorney Designate effective June 1, 2021 and directed that a Contract for legal services be presented at least 60 days prior to October 31, 2021, which is the effective date of Denise Marie Nieman's retirement. The Contract is effective November 1, 2021 for a period of five years at an annual salary of \$245,000. Countywide (DO)

6. REGULAR AGENDA

I. ADMINISTRATION

1. Staff requests Board direction: on allocating \$75,000 to fund the Community Identification (ID) Card Program administered by the Legal Aid Society of Palm Beach County. **SUMMARY:** On July 13, 2021, as part of the FY 2022 Proposed Budget Presentation, the County Administrator requested Board direction on allocating \$75,000 to fund the Community ID Card Program. The Board tabled the discussion and directed staff to bring this item back before the Board as a regular Agenda Item at the August 17, 2021 meeting. Countywide (AH)

J. PLANNING, ZONING & BUILDING

1. Staff requests Board direction: regarding developing and implementing a program to evaluate the safety of certain building types in Palm Beach County. **SUMMARY:** Following the devastating event that took place on June 24, 2021 at Champlain Towers located in Surfside, Florida, the Palm Beach County Building Division requested direction from the Board of County Commissioners (BCC) regarding developing and implementing a program to evaluate the safety of certain building types in Palm Beach County. At the July 13, 2021 BCC Meeting, the Board directed staff to identify the potential candidate structures, evaluate other safety evaluation programs in effect in other areas around the country, and to continue to work with the League of Cities Building Officials to explore/develop a model standard. Staff was also directed to develop a notice to be delivered to targeted building owners and managers regarding the responsibility to ensure these buildings are being maintained in safe condition. Staff intends to present an update on status of actions taken to date. Unincorporated (AH)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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

A. HEALTH DEPARTMENT

1. Staff recommends motion to approve: the appointment of one member to the Environmental Control Hearing Board to complete the unexpired term of Trevor Rosecrans, who resigned and whose term expires January 31, 2023.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY:</u>
Vivian Demille	3	Citizen-at-Large	Vice-Mayor Robert S. Weinroth

SUMMARY: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association, one medical doctor recommended by the Palm Beach County Medical Society, and two citizens-at-large not holding elective office. The Board currently consists of four members. The current diversity count is: Caucasian: 4 (100%); African-American: 0; and Hispanic: 0. The current gender ratio (female:male) is 0:4. The applicant for appointment to Seat #3, Vivian Demille is a citizen of Palm Beach County and recommended by Vice-Mayor Robert S. Weinroth. With this approval, the Board will consist of five members: four Caucasian males and one Caucasian female. The gender ration (female:male) is 1:4.

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

A. HEALTH DEPARTMENT (Cont'd)

- 2. Staff recommends motion to approve: the appointment of one member to the Environmental Appeals Board for a term of three years from 8-17-2021 to 8-16-2024.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY:</u>
Wayne Blythe	2	Water Resource Professional employed by SFWMD	SFWMD

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

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

AUGUST 17, 2021

8. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

AUGUST 17, 2021

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY

AUGUST 17, 2021

10. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

Request for off-site Proclamation congratulating the South Florida Regional Transportation Authority for Tri-Rail Reaching One Hundred Million Riders

Request for off-site Proclamation declaring September 2021 as Library Card Signup Month in Palm Beach County

District 2 – COMMISSIONER GREGG K. WEISS

Request of off-site Proclamation declaring August 2021 as Florida Water Professionals Month in Palm Beach County

District 3 – COMMISSIONER DAVE KERNER

Request for off-site Proclamation declaring August 27, 2021 as Doctor Andrew Lepoff Day in Palm Beach County

Request for off-site Proclamation declaring August 27, 2021 as Deputy Sheriff George Clem Douglas Day in Palm Beach County

District 4 – COMMISSIONER ROBERT S. WEINROTH

Request for off-site Proclamation declaring September 2021 as Diaper Need Awareness Month in Palm Beach County

District 5 - COMMISSIONER MARIA SACHS

Request for off-site Proclamation recognizing August 26, 2021 as Women’s Equality Day in Palm Beach County

AUGUST 17, 2021

10. COMMISSIONER COMMENTS CONTINUED

District 6 - COMMISSIONER MELISSA MCKINLAY

Request for off-site Proclamation declaring August 31, 2021 as International Overdose Awareness Day in Palm Beach County

Request for off-site Proclamation declaring September, 2021 as National Recovery Month in Palm Beach County

Request for off-site Proclamation declaring September 18, 2021 as Caribbean-American for Community Involvement Day in Palm Beach County

District 7 – COMMISSIONER MACK BERNARD

Request for off-site Proclamation declaring August 2021 as Palm Beach County Black Business Month

AUGUST 17, 2021

11. ADJOURNMENT

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