

April 18, 2023
9:00am

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

APRIL 18, 2023

<u>PAGE</u>	<u>ITEM</u>	
9:30am	Special Presentation	* ADD-ON (DISTRICT 4): Proclamation declaring April 15-22, 2023 as Florida Atlantic University's Men's Basketball Team Week
9:30am	Special Presentation	* ADD-ON (DISTRICT 4): Certificate of Congratulations to FAU Men's Basketball Team Coach Dusty May
13	3A2	* ADD-ON / REVISED MOTION / TITLE / SUMMARY (ADMIN): Staff recommends motion to adopt: RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R-2017-1096 AS AMENDED BY RESOLUTION NO. R-2010-0224, AS AMENDED BY RESOLUTION NO. R-2013-0324, AS AMENDED BY RESOLUTION NO. R-2013-1281, AS AMENDED BY RESOLUTION NO. R-2017-0218, AS AMENDED BY RESOLUTION NO. R-2017-1096, AMENDING THE STAFFING OF PROGRESSION PLAN FOR THE COUNTY COMMISSION BY REPLACING FULL-TIME COUNTY COMMISSION SECRETARIES WITH FULL-TIME COUNTY COMMISSION ADMINISTRATIVE ASSISTANTS <u>DELETING LONGEVITY PAY INCREASES ADMINISTRATIVE ASSISTANTS WHILE REMOVING THE CLASSIFICATION SERIES OF COUNTY COMMISSION SECRETARIES,</u> AND PROVIDING FOR AN EFFECTIVE DATE. SUMMARY: <u>Based upon direction given by the Board on April 4, 2023, Commission staffing will go from two (2) County Commission Administrative Assistants and one (1) County Commission Secretary to three (3) County Commission Administrative Assistants. Countywide (DO)</u>

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3C7

***REVISED SUMMARY / (ENG) SUMMARY:** Per PPM CW-F-050, the total of this Change Order 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 (BCC) approval. Approval of Change Order No. 4 will compensate Ranger for the full closure of 6th Avenue South and work associated with mitigating the City of Lake Worth Beach's (City) electric utilities, 138kV overhead electrical transmission lines, in conflict with the Project's demolition and reconstruction of the 6th Avenue South bridge over Lake Osborne Drive; and required MOT devices for the closure. Palm Beach County (County), Ranger, and the City have been partnering to resolve the conflicts surrounding the proximity of the bridge demolition and reconstruction with the existing City transmission lines along the southern right-of-way of the Project. The City will accommodate the shutdown of the existing overhead electrical transmission lines during peak daytime hours until May 1, 2023. After that date, the City will no longer be able to accommodate daytime shutdowns due to electrical power loads historically observed during the summer. The City will coordinate with Ranger and the County, the required shutdowns of the overhead 138kV lines to meet OSHA minimum requirements of 15 feet away from the overhead lines. Ranger is currently proceeding with the aforementioned work in good faith to not further delay the Project. The standard settlement and release provision is modified for this Change Order to state that "Except as provided herein, execution of this change order acknowledges final settlement of, and releases all claims for, costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to, such modification(s), and including any claim that the above-stated modification(s) constitutes, in whole or part, a cardinal change to the contract. Due to extenuating circumstances and insufficient time, the contractor reserves its right to seek claims for costs and/or time associated with the above-stated modification(s), which claims are due to differing site conditions, pursuant to GP 4-3.7, unforeseeable work, pursuant to GP 4-4, or increase/alteration in work, pursuant to GP 4-3.2." The Affirmative Procurement Initiative selected for this contract on January 20, 2021 by the Goal Setting Committee is a 10% minimum mandatory Small Business Enterprise (SBE) participation. Ranger committed to 11.04% SBE participation for this contract. Their SBE participation for Change Order No. 4 is 1.47%. The cumulative SBE participation for this Project including this Change Order is 0.12%. Ranger expects to meet their SBE participation toward the end of the Project. **This Project is included in the Five-Year Road Program and the infrastructure sales tax. District 3 (YBH)**

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***REVISED MOTION & TITLE (CJC): Staff recommends motion to: approve:** Appointment of 12 members to the Public Safety Coordinating Council for a 4-year term for the period April 18, 2023 to April 17, 2027.

Seat	Nominee
State Probation Circuit Administrator	Michelle Johns
Pretrial Intervention Program	Latronda Hayes
Director of a Local Substance Abuse Treatment Program	Alton Taylor
Police Chief	Chief Gus Medina
Director of a Community Mental Health Agency	Jon Van Arnam, designee of Darcy Davis
Representatives from the county, state job programs, or community groups that work with offenders and victims	Julia Dattolo, CareerSource Palm Beach County
	Louis Tomeo, designee of Joseph Abruzzo, Clerk of Circuit Court
	John Viola, Palm Beach County Bail Bond Association
	Ann Berner, Southeast Florida Behavioral Health Network
Representative of the substance abuse program office and the mental health program office of the Department of Children and Families, selected by the substance abuse and mental health program supervisor	Jessica Durant
A primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor	Jan Underwood
A representative from an area homeless program or a supportive housing program	Daniel Ramos

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***ADD-ON (COMM SVCS) Staff recommends motion to receive and file:** a Community Services Department presentation. **SUMMARY:** Community Services staff will present an overview of the Department's mission to promote independence and enhance the quality of life in Palm Beach County by providing effective and essential services to residents in need. The Department focuses on a variety of initiatives including support for individuals and families experiencing homelessness, individuals with disabilities, seniors, veterans, farmworkers, individuals living with Human Immunodeficiency Virus, and individuals experiencing poverty. Community Services provides funding support for agencies and direct services to residents in need. Some of the services include shelter support for the homeless, rental and utility assistance, workforce development and job placement programs, behavioral health and substance use disorder recovery support, and case management services that promote financial independence, stability, and improved quality of life for more than 60,000 residents who are served annually. (Community Services Department) Countywide (HH)

April 18, 2023
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BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

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***ADD-ON (COMM SVCS) Staff requests direction on:** continuation, modification or suspension of County-operated and contracted Low-Income Home Energy Assistance Program (LIHEAP), Low-Income Household Water Assistance Program (LIHWAP), and Community Services Block Grant (CSBG) Programs due to the Florida Department of Economic Opportunity (FDEO) reaching its state legislative budget appropriation authority limit ~~of for~~ fiscal year 2022-2023. ~~state legislative budget appropriation authority.~~ **SUMMARY:** On June 15, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Federally Funded Subgrant Umbrella Agreement #E2016 (R2021-0783) with the FDEO, for the period of October 1, 2020 through September 30, 2023, for the LIHEAP, LIHWAP, and CSBG programs. Under the terms of the new umbrella agreement, FDEO issues a Notice of Funding Availability (NFA) for each program award. The total funding award for each program under this agreement is:

- LIHEAP- \$14,880,072;
- LIHWAP- \$5,053,983;
- CSBG- \$1,094,998.

On April 7, 2023, FDEO sent a notice stating that the spending demand for LIHEAP, LIHWAP, and CSBG programs exceeded budget authority. Therefore, ~~they have~~ it has requested that all outstanding invoices for the above-mentioned federally funded programs be submitted ~~to them~~ by Friday, April 13, ~~2013~~2023. The Community Services Department (CSD) ~~has~~ submitted a reimbursement request of \$1,006,874 for direct client assistance, for March ~~and~~ on April 13, 2023. An additional \$711,608 is needed to cover encumbered direct client assistance, and ~~\$275620,000~~ \$275,620,000 for staff salaries, for a total of ~~\$1,331,986,608~~ \$1,331,986,608. Finally, an additional \$2,750,000 from reserves will be required to provide the current level of direct client services or ~~\$1,400,800,000~~ \$1,400,800,000 will be required to provide a modified level of direct client assistance, until September ~~September~~ June 30, 2023. For the time being, staff in the affected areas programs will be assigned to other direct client assistance programs. No information has been received from FDEO as to the likelihood of reimbursement of funds expended during the budget lapse and the projected date of resolution is unknown. Based on board direction, CSD may bring additional agenda items to the BCC to amend the budget. (Community Action Program) Countywide (HH)

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75 5J1 ***ADD-ON (COUNTY ATTORNEY) Staff recommends a motion to:**

a) adopt a Resolution declaring an immediate danger to the health, safety or welfare of the public in Palm Beach County ("County") that requires immediate action, and that the County's significant legal rights will be compromised if it is required to exhaust the intergovernmental conflict resolution procedures with Florida PACE Funding Agency ("FPFA"), before initiating court proceedings; and

b) direct staff to initiate litigation to resolve the County's conflict with FPFA regarding its alleged independent authority to administer its PACE program in the County, without the Board of County Commissioners' ("Board") authorization under the County's PACE Ordinance.

SUMMARY: On January 3, 2023, FPFA terminated the Interlocal Agreement with the County that authorized its operation in the County, pursuant to the County's PACE Ordinance. Since then FPFA has continued to operate in the County based on a Leon County Circuit Court Order from a bond validation proceeding where the court granted FPFA "independent statewide authority". FPFA's current operations in the County without an Interlocal Agreement violates the PACE Ordinance, and its purported independent statewide authority derived from a Leon County Circuit Court's Order is not binding on the County. Furthermore, the Order is invalid as it goes beyond the statutory scope of a bond validation ruling and violates the County's procedural and substantive due process rights. Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act, requires the use of the conflict resolution process to resolve conflicts between governmental entities before commencing court proceedings. However, the statute also provides that the conflict resolution process is not required if a government entity, by a three-fourths vote of its governing body, finds that an immediate danger to the health, safety or welfare of the public requires immediate action, or that significant legal rights will be compromised if court proceedings are delayed until after the conflict resolution process.

April 18, 2023
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75	5J1	SUMMARY (cont'd.): Staff recommends that the Board of County Commissioners finds, by a three-fourths vote, that an immediate danger to the health, safety or welfare of the public requires immediate action, and that the County's significant legal rights will be compromised if court proceedings are delayed until the County exhausts the intergovernmental conflict resolution procedures, and further, direct staff to file an emergency injunction and declaratory judgment action against FPFA. <u>Countywide</u> (DO)

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**

APRIL 18, 2023

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 12 - 57)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 58)**

- 5. REGULAR AGENDA (Pages 59 - 76)**

- 6. BOARD APPOINTMENTS (Page 77)**

- 7. STAFF COMMENTS (Page 78)**

- 8. BCC COMMENTS (Page 79)**

- 9. ADJOURNMENT (Page 80)**

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CONSENT AGENDA

A. ADMINISTRATION

Page 12

3A-1 Approve Resilient Florida Department of Environmental Protection Standard Grant Agreement for M-2 project; FDEP Consent to Assignment of Grant Agreement; Interlocal Agreement with Indian Trail Improvement District; and a budget amendment.

Page 13

3A-2 Adopt Resolution as amended for the County Commission Administrative Assistants.

B. CLERK & COMPTROLLER

Page 13

3B-1 Warrant list

3B-2 Minutes

3B-3 Contracts and claims settlements list

3B-4 Change orders, work task orders, minor contracts, final payments, etc.

Page 14

3B-5 Annual financial reports, excess fees and unexpended budget for FY21-22.

C. ENGINEERING & PUBLIC WORKS

Page 14

3C-1 Approve Work Order 2021050-44 for mill and resurface of Cresthaven Blvd. from Jog Road to Military Trail.

Page 15

3C-2 Fifteen Adopt-A-Road agreements with various local interested parties.

3C-3 Approve Intersection Improvements Annual Design Services Contracts with HSQ Group, LLC and Masee Consulting Services, LLC for professional engineering services.

Page 16

3C-4 Approve Work Order to PBC's annual traffic signal contract with Gerelco Traffic Controls to construct a span wire traffic signal at the intersection of Linton Blvd. and Catherine Drive.

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CONSENT AGENDA

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

Page 17

- 3C-5 Approve Work Order 2021050-41 for mill and resurface of 10th Avenue North from Congress Avenue to I-95 with Ranger Construction; Work Order 2021050-42 for mill and resurface of Congress Avenue from Okeechobee Blvd. to Palm Beach Lakes Blvd. with Ranger Construction; and Work Order 2021050-43 for mill and resurface Flavor Pict Road from Jog Road to Military Trail with Ranger Construction.
- 3C-6 Report of plat recordation's from April 1, 2022 through September 30, 2022.

Page 18 - 19

- 3C-7 Approve Change Order No. 4 with Ranger Construction for 6th Avenue South over Lake Osborne Drive for work associated with mitigating overhead power line conflicts, to minimize length of time necessary for the full closure of 6th Avenue South

Page 19

- 3C-8 Approve Work Order to PBC's annual traffic signal contract with Gerelco Traffic Controls to replace existing span wire traffic at the intersection of Palmetto Park Road and Powerline Road.

Page 20

- 3C-9 Approve Work Order to PBC's annual traffic signal contract with Gerelco Traffic Controls to construction a new mast arm traffic signal at the intersection of Artist Place and Lyons Road.

E. COMMUNITY SERVICES

Page 21

- 3E-1 Appointing two new members to the Homeless Advisory Board.

Page 22

- 3E-2 Appointment of one new member to the Community Action Advisory Board.
- 3E-3 Appointment of one new member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council.

Page 23

- 3E-4 Ratify Mayor's signature on Standard Agreement for the Older Americans Act with Area Agency on Aging of Palm Beach/Treasure Coast, Inc.; and approve Amendment 001 to Standard Agreement for Older Americans Act to amend, revise and replace portions of standard agreement.

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CONSENT AGENDA

E. COMMUNITY SERVICES (cont'd.)

Page 24

- 3E-5 Approval Interlocal Contract for Ryan White Part A HIV Support Services with Florida International University Board of Trustees.
- 3E-6 Ratify the Mayor's signature on the Phase 40 Emergency Food and Shelter Program Grant Application for the provision of rental and mortgage assistance to individuals and families.

F. AIRPORTS

Page 25

- 3F-1 Approve agreement with TargetSolutions Learning, LLC providing a subscription to the County of Vector TSL Learning Management System.

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 26

- 3G-1 Approve negotiated settlement offer for the full satisfaction of code enforcement lien against Walter Ungermann.

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 26

- 3H-1 Site Dedication/Notice of Grant Agreement for a portion of John Prince Memorial Park dedicating the site for public use to satisfy requirement of the Florida Boating Improvement Program Grant.

Page 27

- 3H-2 Notice of exercise of the second and final renewal option to extend the ATM Operating Agreement with Guardians Credit Union for several locations within Palm Beach County.
- 3H-3 Standard Infrastructure Surtax Project Funding Agreement for the administration and funding of in-car camera equipment PBSO.

Page 28

- 3H-4 Interlocal Agreement with the City of Miramar allowing for interoperable communications through the countywide common talk groups.

Page 29

- 3H-5 Approve Work Order 23-014 with Anzco, Inc. for the Water Utility Storage Yard Canopy project.

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CONSENT AGENDA

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

Page 30

3H-6 Approve Change Order 14 to Amendment No. 1 with Kaufman Lynn Construction, Inc. for the Canyon District Park Phase 1 project.

3H-7 Approve Change Order 7 to Amendment No. 7 with Kaufman Lynn Construction, Inc. for Canyon District Park Phase IA project.

Page 31

3H-8 Approve change of ownership interest of the concessions provider at Osprey Point Golf Course in Burt Aaronson South County Regional Park; and approve Second Amendment to Concessionaire Lease Agreement with SW Hospitality Group LLC memorializing the change in ownership.

Page 32

3H-9 Approve temporary construction and perpetual access and landscape easement in favor of the School Board of Palm Beach County over a portion of Canyon District Park.

I. HOUSING AND ECONOMIC DEVELOPMENT

Page 32

3I-1 Assistance Amendment to the Cooperative Agreement with U.S. Environmental Protection Agency providing a 24-month extension.

Page 33

3I-2 Amendment 001 to Agreement with City of South Bay under the Community Development Block Grant project.

Page 34

3I-3 Amendment 001 to Agreement with the Town of Lake Clarke Shores for the Community Development Block Grant program extending the performance requirement date and providing additional funds.

Page 35

3I-4 Amendment 001 to Agreement with the City of Riviera Beach for the Community Development Block Grant program, extending completion time.

Page 36

3I-5 HOME Investment Partnership Program funded amendments to Loan Agreements with HTG Heron Estates Family, LLC extending completion date; and with Habitat Housing Solutions, Inc. deleting loan expenditure.

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CONSENT AGENDA

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

Page 37

3I-6 Approve request for Amendment to the 2016 Bond Series and to the Bond Documents on behalf of Caron of Florida, Inc.; and a Resolution of the Board of County Commissioners of Palm Beach County authorizing certain amendments to the Revenue Bonds Series 2016.

Page 38 - 39

3I-7 Approve request for one amendment to the Palm Beach County, Florida Tax-Exempt Adjustable Mode Revenue Bonds; and adopt Resolution of the Board of County Commissioners of Palm Beach County authorizing certain amendments to Tax-Exempt Adjustable Mode Revenue Bonds.

Page 40

3I-8 Approve Amendment to the 2014 Industrial Development Revenue Bond, Amendment to Financing Agreement; and adopt Resolution of the Board of County Commissioners of Palm Beach County authorizing certain amendments to the Industrial Development Revenue Bond.

Page 41

3I-9 Grant Agreement with the U.S. Department of Housing and Urban Development for the HOME Investment Partnerships Program-American Rescue Plan; and an application for Federal Assistance SF-424.

K. WATER UTILITIES

Page 42

3K-1 Standard Potable Water and Wastewater Development Agreements; Standard Reclaimed Water Service Agreement Direct System with Autumn Ridge Apartments, LTD; with Fury Construction & Development, LLC; and amendment 2 to the 2019 Pipeline Continuing Construction Contract with Johnson-Davis Incorporated to extend the contract.

Page 43

3K-2 Approve Contract for Consulting/Professional Services for Water Treatment Plant with Calvin Giordano and Associates, Inc.; and Consultant Services Authorization with Consultant for Design.

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CONSENT AGENDA

K. WATER UTILITIES (cont'd.)

Page 44

3K-3 Approve Full Release of Utility Easement.

3K-4 Approve Supplement 1 to the Consultant Services Authorization 2 to the Master Lift Station and Repump Improvements with AECOM Technical Services, Inc. for the LS5015 Conversion to Repump.

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 45

3L-1 Reappointment of a current member and new appointment to the Groundwater and Natural Resources Protection Board.

Page 46

3L-2 Amendment 1 to the State of Florida, Florida Department of Environmental Protection Agreement No 22PB9 for the South Lake Worth Inlet Management Plan Implementation extending the termination agreement; and approve budget amendment.

3L-3 Amendment 1 to the State of Florida, Florida Fish and Wildlife Conservation Commission for the Bonefish Cove Project increasing funding; and approve budget amendment.

Page 47

3L-4 Approve State of Florida Department of Environmental Protection Standard Grant Agreement for construction of the Coral Cove Dune Restoration Project; approve budget amendment; and authorize County Administrator or designee.

Page 48

3L-5 Approve Agreement 22006 with Florida Fish and Wildlife Conservation Commission to provide federal funding for the construction of the 2023 Delray Dredge Hole Artificial Reef; adopt Resolution authorizing Clerk of Circuit Court and Comptroller to disburse funds; approve budget amendment; and authorize County Administrator or designee.

Page 49

3L-6 Approve State of Florida Department of Environmental Protection Standard Grant Agreement for the South Lake Worth Inlet Management Plan Implementation Project; approve budget amendment and authorize County Administrator or designee.

N. LIBRARY

Page 50

3N-1 Approve subscription for Palm Beach County's Library Department with PolicyMap, Inc.

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CONSENT AGENDA

Q. CRIMINAL JUSTICE COMMISSION

Page 51 - 52

3Q-1 Appointment of 12 members to the Public Safety Coordinating Council.

Page 52 - 53

3Q-2 Appointment of five new members and reappoint two members to the Criminal Justice Commission.

R. HUMAN RESOURCE

Page 53

3R-1 Adopt resolution amending the Palm Beach County Administrative Code by rescinding the 2007 Palm Beach County Merit System Rules and adopting the revised Palm Beach County Merit System Rules.

3R-2 Approve Contract with NMS Management Services, Inc. to provide drug and alcohol testing services for Palm Beach County's employee program.

U. INFORMATION SYSTEMS SERVICES

Page 54

3U-1 Agreement with Software License and Professional Services Agreement with the U.S. Virgin Islands to maintain their Business License Web Application.

CC. OTHER

Page 54

3CC-1 Two Palm Beach County FY2023 Category "G" Agreements with Foster Events Group, LLC for the promotion of the Association of Pickleball Professionals Boca Raton International Masters; and with Rush World Sports, LLC for the promotion of Florida RUSH.

Page 55

3CC-2 Palm Beach County FY2023 Category "G" Grant Agreement with Match Point, Inc. for the promotion of the Delray Beach Open.

DD. SHERIFF

Page 55

3DD-1 Accept supplemental grant award through the City of Miami for the Miami Urban Area Security Initiative Grant Program, and approve budget amendment.

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CONSENT AGENDA

DD. SHERIFF (cont'd.)

Page 56

3DD-2 Accept supplemental grant award through the City of Miami for the Miami Urban Area Security Initiative Grant Program; a modification #3 to the FY20 Urban Security Area Initiative; modification #4 to the FY20 Urban Security Area Initiative; and approve a budget amendment.

EE. COMMISSION OF ETHICS

Page 57

3EE-1 Memorandum of Understanding with Delray Beach Housing Authority to engage in services of the Palm Beach County Commission on Ethics for a retroactive date.

PUBLIC HEARINGS – 9:30 A.M.

A. AIRPORTS

Page 58

4A-1 Adopt resolution of the Board of County Commissioners of Palm Beach County approving Fiscal Year 2023 Mid-Year Budget Amendment, and approve budget amendment.

REGULAR AGENDA

A. WATER UTILITIES

Page 59

5A-1 Approve Irrevocable Director of Project Proceeds for Florida Design Drilling, LLC.

B. AIRPORTS

Page 60

5B-1 Approve Change Order 1 to Amendment 1 Work Order SCC Concourse B Expansion Page 1 at the Palm Beach International Airport with Suffolk Construction Company, Inc.

Page 61

5B-2 Approve Amendment 8 to the General Consulting Agreement with RS&H, Inc. for the Concourse B & C Preconditioned Air Construction Administration.

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REGULAR AGENDA

C. INFORMATION SYSTEMS SERVICES

Page 62

5C-1 Approve budget transfer and a budget amendment.

D. HOUSING AND ECONOMIC DEVELOPMENT

Page 62 - 63

5D-1 Adopt a resolution of the Board of County Commissioners approving issuance of Housing Finance Authority Multifamily Housing Revenue Bonds for Coleman Park Renaissance.

Page 64

5D-2 Adopt a resolution of the Board of County Commissioners approving issuance of Housing Finance Authority Multifamily Housing Revenue Bonds for Everglades Townhomes.

Page 65

5D-3 Approve a waiver of the statutory requirement by a majority vote plus one for public hearings for an alternate designation; and approve advertise of public hearings for designation of consideration.

E. PALM TRAN

Page 66

5E-1 Approve emergency contract with MV Transportation, Inc. and MV Contract Transportation, Inc. for Go Glades Mobility on Demand Services; and a budget transfer.

Page 67 - 68

5E-2 Approve emergency contract with MV Transportation, Inc. and MV Contract Transportation, Inc.; approve emergency contract with First Transit, Inc.; approve budget transfer.

F. OFFICE OF FINANCE MANAGEMENT & BUDGET

Page 69

5F-1 Resolution authorizing the issuance of a series of bonds, public improvement revenue bonds series 2023C to finance certain public improvements.

G. ENGINEERING & PUBLIC WORKS

Page 70

5G-1 Approve guardrail continuing services construction contract with Southeast Highway Guardrail & Attenuators, LLC.

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REGULAR AGENDA

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 71

5H-1 Authorize staff to negotiate the acquisition of approximately 3.3 acres of undeveloped land located on Belvedere Road.

Page 72 - 73

5H-2 Approve the agreement to purchase and sale of vacant land north of Indiantown Road and east of Bee Line Highway; Memorandum of Agreement to record in public records notice of the agreement; and approve agreement to purchase vacant land north of Indiantown Road and east of Bee Line Highway.

Page 74

5I-1 Presentation from Community Services staff providing an overview of the Department.

Page 74-75

5I-2 Request direction on the Low-Income Programs within Palm Beach County funded by Florida Department of Economic Opportunity reaching its limit for fiscal year 2022-2023.

Page 75-76

5J1 Adopt Resolution declaring an immediate danger to Palm Beach County public welfare; and requesting direction from BCC to staff to initiate litigation to resolve the County's conflict with and related to Florida PACE Funding Agency.

BOARD APPOINTMENTS (Page 77)

STAFF COMMENTS (Page 78)

COMMISSIONER COMMENTS (Page 79)

ADJOURNMENT (Page 80)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) Resilient Florida Department of Environmental Protection (FDEP) Standard Grant Agreement for M-2 Bypass Project (Agreement Number 22FRP73) for the period beginning on the execution date through September 30, 2026;

B) FDEP Consent to Assignment of Grant Agreement;

C) Interlocal Agreement (ILA) between Palm Beach County (PBC) and Indian Trail Improvement District (ITID) for the Resilient Florida Grant Program (Grant) for the ITID M-2 Bypass Project;

D) Budget amendment of \$194,662 in the General Fund to recognize the grant award; and;

E) Authorization to the County Administrator, or designee, to execute grant agreement, to sign all future time extensions, task assignments, certifications, and other forms associated with the agreement, or any necessary minor amendments that do not substantially change the scope of work, or terms and conditions of the agreement, if the grant is approved.

SUMMARY: ITID sought to secure funding to increase drainage of their existing impoundment area. Specifically, they sought a new culvert to lower ITID's M-2 Impoundment to a lower level than possible with the existing culvert. FDEP funding under their Resilient Florida Grant Program (see Section 380.093, Florida Statutes) provided such an opportunity but for the 2021 Grant Cycle ITID was not considered an eligible entity. On October 18, 2021, ITID requested that Palm Beach County (PBC) serve as the "sponsor" for the M-2 Bypass Project (total estimate cost of \$389,324 in 2021). The Board of County Commissioners directed staff on October 19, 2021 to submit an application for this Grant. Palm Beach County used the information supplied by ITID to prepare a Grant application and was successful in obtaining the Grant. ITID will become a Sub-Grantee to PBC and will be responsible for all Grant requirements including all payments and proof of payment required before reimbursement. PBC will provide timely reimbursement to ITID after receiving Grant funds. **The Grant award is \$194,662 and requires a match of at least 50%, equivalent of \$194,662, of the Grant funds, which will be provided by ITID, along with all other costs. This will have no cost to PBC.** The funding agency is the FDEP and the Catalog of Federal Domestic Assistance (CFDA) Number is 21.027. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

2. Staff recommends motion to adopt: RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R-2010-0224, AS AMENDED BY RESOLUTION NO. R-2013-0324, AS AMENDED BY RESOLUTION NO. R-2013-1281, AS AMENDED BY RESOLUTION NO. R-2017-0218, AS AMENDED BY RESOLUTION NO. R-2017-1096, AMENDING THE STAFFING OF THE COUNTY COMMISSION BY REPLACING FULL-TIME COUNTY COMMISSION SECRETARIES WITH FULL-TIME COUNTY COMMISSION ADMINISTRATIVE ASSISTANTS AND PROVIDING FOR AN EFFECTIVE DATE. **SUMMARY:** Based upon direction given by the Board on April 4, 2023, Commission staffing will go from two (2) County Commission Administrative Assistants and one (1) County Commission Secretary to three (3) County Commission Administrative Assistants. Countywide (DO)

B. CLERK & COMPTROLLER

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

<u>Meeting Date</u>	<u>Meeting Type</u>
January 11, 2023	Zoning
January 26, 2023	Zoning
February 23, 2023	Zoning

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during March 2023. Countywide

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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (cont'd.)

5. **Staff recommends motion to receive and file:** Annual financial reports, excess fees and unexpended budget for Fiscal Year 2021-2022, for the Clerk & Comptroller, Tax Collector, and Property Appraiser. **SUMMARY:** The financial reports of these Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2022, in accordance with Section 218.36, Florida Statutes. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire-Rescue, and various other special revenue funds. The amounts shown as additional/decrease in excess fees will be included in the adjustment for additional balances brought forward, which will be brought to the Board of County Commissioners in March 2023.

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Work Order 2021050-44 in the amount of \$450,000 to mill and resurface Cresthaven Boulevard from Jog Road to Military Trail utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0985 (Contract) with M&M Asphalt Maintenance, Inc. d/b/a/ All County Paving (M&M). **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 \$8 million of M&M's \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. M&M agreed to 15% SBE participation for the Contract and 20% participation for this work order. Their cumulative SBE participation, including this work order is 8%. **This project is included in the infrastructure sales tax. District 3 (YBH)**

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to receive and file: fifteen (15) fully executed Adopt-A-Road agreements with various local interested parties (Group). **SUMMARY:** In accordance with Countywide PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. These agreements were executed by the County Engineer, in 2022, as reflected in Attachment one. The Adopt-A-Road Program allows Groups to perform litter removal along Palm Beach County (County) maintained road rights-of-way. Each Group is expected to conduct litter removal activities at least four times a year. The County provides recognition signs for each Group at the beginning and end of the Group's adopted road segment, and picks up the litter bags. Each Group must pay a fee to offset the County's costs to install the signs and remove the collected litter bags. The fee is waived for non-profit Groups. Countywide (YBH)

3. Staff recommends motion to approve:

A) the Intersection Improvements Annual Design Services Contract with HSQ Group, LLC (HSQ) to be in effect for 36 months from the date of approval by the Board of County Commissioners (BCC); and

B) the Intersection Improvements Annual Design Services Contract with Masse Consulting Services, LLC (MCS) to be in effect for 36 months from the date of approval by the BCC.

SUMMARY: Approval of these contracts will provide the professional engineering services necessary for intersection improvements throughout Palm Beach County (County) on a consultant service authorization basis. The contract period for these contracts is thirty-six months from the date of approval by the BCC. The Affirmative Procurement Initiatives selected for these contracts on January 5, 2022 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. HSQ agreed to 80% SBE participation for the contract. MCS agreed to 85% SBE participation for the contract. On November 30, 2022, the Consultant's Competitive Negotiations Act Selection Committee selected HSQ and MCS and, in accordance with PPM No. CW-O-048, the BCC was notified of the selection on December 1, 2022. HSQ and MCS have offices located in the County and both are certified SBE companies. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: a work order in the amount of \$280,445.88 to Palm Beach County's (County) annual traffic signal contract dated August 23, 2022 (R2022-0791) with Gerelco Traffic Controls, Inc. (Gerelco) to construct a span wire traffic signal at the intersection of Linton Boulevard and Catherine Drive / Linton Lake Drive, County Intersection ID Number 55095 (Project). **SUMMARY:** Approval of this work order will allow Gerelco to construct the Project. Staff conducted a signal warrant analysis at this location in March of 2019 and determined that the intersection met the required minimum warrants for traffic signal installation. Per County PPM CW-F-050, this work order exceeds the threshold relating to staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Prior to this work order, \$719,991.06 of Gerelco's \$5,000,000 contract has been spent or encumbered. Gerelco has an office located in Palm Beach County. On January 20, 2022, Office of Equal Business Opportunity granted a waiver of the Affirmative Procurement Initiative based upon the determination that sufficient qualified Small/Minority/Women Business Enterprises providing the goods or services required by the contract are unavailable in the County to perform the specialized construction of traffic signals. On August 23, 2022, the BCC approved the annual traffic signal contract with Gerelco to provide for and install various signal components for traffic control devices. The County and the City of Delray Beach entered into Interlocal Agreement R2021-0281, whereby the City will reimburse the County 50% of total actual costs required to design, construct and inspect the Project. Districts 4 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to approve:

- A) Work Order 2021050-41 in the amount of \$465,000 to mill and resurface 10th Avenue North from Congress Avenue to I-95 utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger);
- B) Work Order 2021050-42 in the amount of \$455,000 to mill and resurface Congress Avenue from Okeechobee Boulevard to Palm Beach Lakes Boulevard utilizing the County's Contract with Ranger; and
- C) Work Order 2021050-43 in the amount of \$440,000 to mill and resurface Flavor Pict Road from Jog Road to Military Trail utilizing the County's Contract with Ranger.

SUMMARY: Per County PPM CW-F-050, these work orders exceed 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 these work orders will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$13 million of Ranger's \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract 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 for the Contract and an average of 15.4% for these work orders. Their cumulative SBE participation, including these work orders is 14%. **These projects are included in the infrastructure sales tax. Districts 3, 5 and 7** (YBH)

6. Staff recommends motion to receive and file: a report of plat recordation's from April 1, 2022 through September 30, 2022. **SUMMARY:** This report is a bi-annual summary of subdivision plats recorded during the fiscal quarters since the previous report. There were 17 plats recorded during this period. This report is required by the Department of Engineering and Public Works Policies and Procedures Manual No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (YBH)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to approve:

- A) Change Order No. 4 in the amount of \$1,022,531.71 to the contract dated October 5, 2021 (R2021-1412) with Ranger Construction Industries, Inc. (Ranger) for 6th Avenue South over Lake Osborne Drive (Project), for work associated with mitigating overhead power line conflicts and to keep the Project progressing, minimizing the length of time necessary for the full closure of 6th Avenue South and the implementation of additional maintenance of traffic (MOT) devices and pavement markings required for the Project during the full closure of 6th Avenue South; and
- B) A budget transfer of \$1,100,000 in the Transportation Improvement Fund from Reserves - Road Program Sweeps to the Project.

SUMMARY: Per PPM CW-F-050, the total of this Change Order 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 (BCC) approval. Approval of Change Order No. 4 will compensate Ranger for the full closure of 6th Avenue South and work associated with mitigating the City of Lake Worth Beach's (City) electric utilities, 138kV overhead electrical transmission lines, in conflict with the Project's demolition and reconstruction of the 6th Avenue South bridge over Lake Osborne Drive; and required MOT devices for the closure. Palm Beach County (County), Ranger, and the City have been partnering to resolve the conflicts surrounding the proximity of the bridge demolition and reconstruction with the existing City transmission lines along the southern right-of-way of the Project. The City will accommodate the shutdown of the existing overhead electrical transmission lines during peak daytime hours until May 1, 2023. After that date, the City will no longer be able to accommodate daytime shutdowns due to electrical power loads historically observed during the summer. The City will coordinate with Ranger and the County, the required shutdowns of the overhead 138kV lines to meet OSHA minimum requirements of 15 feet away from the overhead lines.

3. CONSENT AGENDA APPROVAL

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

7. **SUMMARY (cont'd.):** Ranger is currently proceeding with the aforementioned work in good faith to not further delay the Project. The standard settlement and release provision is modified for this Change Order to state that “Except as provided herein, execution of this change order acknowledges final settlement of, and releases all claims for, costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to, such modification(s), and including any claim that the above-stated modification(s) constitutes, in whole or part, a cardinal change to the contract. Due to extenuating circumstances and insufficient time, the contractor reserves its right to seek claims for costs and/or time associated with the above-stated modification(s), which claims are due to differing site conditions, pursuant to GP 4-3.7, unforeseeable work, pursuant to GP 4-4, or increase/alteration in work, pursuant to GP 4-3.2.” The Affirmative Procurement Initiative selected for this contract on January 20, 2021 by the Goal Setting Committee is a 10% minimum mandatory Small Business Enterprise (SBE) participation. Ranger committed to 11.04% SBE participation for this contract. Their SBE participation for Change Order No. 4 is 1.47%. The cumulative SBE participation for this Project including this Change Order is 0.12%. Ranger expects to meet their SBE participation toward the end of the Project. **This Project is included in the Five-Year Road Program and the infrastructure sales tax. District 3 (YBH)**

8. **Staff recommends motion to approve:** a work order in the amount of \$278,689.20 to Palm Beach County’s (County) annual traffic signal contract dated August 23, 2022 (R2022-0791) with Gerelco Traffic Controls, Inc. (Gerelco) to replace the existing span wire traffic signal at the intersection of Palmetto Park Road and Powerline Road, County Intersection ID Number 64050 (Project). **SUMMARY:** Approval of this work order will allow Gerelco to construct the Project. Per County PPM CW-F-050, this work order exceeds the threshold relating to staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Prior to this work order, \$719,991.06 of Gerelco’s \$5,000,000 contract has been spent or encumbered. Gerelco has an office located in the County. On January 20, 2022, Office of Equal Business Opportunity granted a waiver of the Affirmative Procurement Initiative based upon the determination that sufficient qualified Small/Minority/Women Business Enterprises providing the goods or services required by the contract are unavailable in the County to perform the specialized construction of traffic signals. On August 23, 2022, the BCC approved the annual traffic signal contract with Gerelco to provide for and install various signal components for traffic control devices. District 4 (YBH)

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3. CONSENT AGENDA APPROVAL

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

9. **Staff recommends motion to approve:** a work order in the amount of \$512,588.13 to Palm Beach County's (County) annual traffic signal contract dated August 23, 2022 (R2022-0791) with Gerelco Traffic Controls, Inc. (Gerelco) to construct a new mast arm traffic signal at the intersection of Artist Place and Lyons Road, County Intersection ID Number 39850 (Project). **SUMMARY:** Approval of this work order will allow Gerelco to construct the Project. A signal warrant analysis at this location is not needed, as the intersection is being constructed to service a new County School. Per County PPM CW-F-050, this work order exceeds the threshold relating to staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Prior to this work order, \$719,991.06 of Gerelco's \$5,000,000 contract has been spent or encumbered. Gerelco has an office located in Palm Beach County. On January 20, 2022, Office of Equal Business Opportunity granted a waiver of the Affirmative Procurement Initiative based upon the determination that sufficient qualified Small/Minority/Women Business Enterprises providing the goods or services required by the contract are unavailable in the County to perform the specialized construction of traffic signals. On August 23, 2022, the BCC approved the annual traffic signal contract with Gerelco to provide for and install various signal components for traffic control devices. District 6 (YBH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: the appointment of two (2) new members to the Homeless Advisory Board (HAB), effective April 18, 2023:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Recommended By</u>	<u>Term Expires</u>
7	Paul E. Dumars Jr.	Homeless Coalition Of Palm Beach County Representative	The Homeless Coalition	09/30/2023
10	Elizama Goertzen	Business Community Representative	Economic Development Council	09/30/2023

SUMMARY: On May 1, 2007, the Board of County Commissioners (BCC) established the HAB. Per Resolution No. R2016-0038, the total membership for the HAB shall be no more than 14 at-large members, comprised of members representing government, business providers, law enforcement, advocates, education, faith-based and the formerly homeless. Ms. Goertzen is an employee of Florida Power and Light (FPL). FPL contracts with the County for services. The HAB 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 County Code of Ethics. The diversity count for the 11 seats that are currently filled is African-American: 5 (45%) Caucasian: 5 (45%) Native-American 1 (10%). The gender ratio (female: male) is 6:5. Ms. Goertzen is Hispanic-American and Mr. Dumars Jr. is African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Division of Human and Community Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. [Staff recommends motion to approve:](#) the appointment of one (1) new member to the Community Action Advisory Board (CAAB), effective April 18, 2023:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
10	Lisa Vreeland	Private Sector Representative- Health	09/30/2025	CAAB

SUMMARY: Per Resolution No. R2018-0372, adopted April 10, 2018, amending Resolution R2014-0588, the total membership for CAAB shall be no more than 15 at-large members, comprised of one-third elected public officials or their representatives, one-third private sector members recommended by the CAAB and one-third low-income representatives selected by a democratic process in the target neighborhoods served or recommended by an agency that serves low-income populations. Members will fully participate in the planning, implementation, and evaluation of the Community Services Block Grant (CSBG) program to serve low-income communities. Ms. Vreeland meets all applicable guidelines and requirements outlined in the resolution. The diversity count for the 14 seats that are currently filled is African-American: 9 (64%); Caucasian: 4 (29%); and Hispanic-American: 1 (7%). The gender ratio (female: male) is 7:7. Ms. Vreeland is Caucasian. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Community Action Program) Countywide (HH)

3. [Staff recommends motion to approve:](#) the appointment of one (1) new member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council, effective April 18, 2023:

<u>Seat No.</u>	<u>Appointment</u>	<u>Recommended By</u>	<u>Term Expires</u>
4	Youssef Motii	HIV CARE Council	04/17/2026

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. Per Resolution No. R2018-0015, the total membership for the HIV CARE Council shall be no more than 33 at-large members. Mr. Motii has completed the HIV CARE Council's nomination process and the HIV CARE Council recommends the appointment. The diversity count for the 20 seats that are currently filled is African-American: 9 (45%), Caucasian: 5 (25%), Hispanic-American: 5 (25%) and Asian-American: 1 (5%). The gender ratio (female: male) is 11: 9. Mr. Motii is African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. Staff recommends motion to:

A) ratify the Mayor's signature on Standard Agreement No. IA023-9500 for the Older Americans Act (OAA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period January 1, 2023 through December 31, 2023, in an amount not-to-exceed \$2,952,882, to provide in-home and community based services to seniors;

B) approve Amendment 001 to Standard Agreement No. IA023-9500 for OAA with the AAA, for the period January 1, 2023 to December 31, 2023, to amend, revise, and replace portions of the standard agreement, to provide in-home and community based services to seniors, with no change to the total grant amount of \$2,952,882; and

C) approve an upward budget amendment of \$1,278,068 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget to the actual grant award.

SUMMARY: The OAA agreement and amendment allows DSVS to provide services to seniors and their caregivers. Services are provided to eligible Palm Beach County seniors age 60 and older and their caregivers. OAA funds critical services that help to maintain older adult's independence. Services include meals, caregiver support, and in-home support services. The congregate meals program provides meals and nutrition education in strategically located centers, such as churches, community and senior centers and other public and private facilities. The home-delivered meals program provides meals and nutrition education to homebound seniors. The in-home services program provides supportive services to assist families/caregivers caring for frail older family members. These services help to boost the well-being of seniors and to help them live independently in their home. **There is a required County match under 3B Catalog of Federal Domestic Assistance (CFDA) No. 93.044 in the amount of \$157,302, C1 CFDA No. 93.045 in the amount of \$63,705, C2 CFDA No. 93.045 in the amount of \$64,068 and 3E CFDA No. 93.052 in the amount of \$19,494, totaling \$304,569, which is already included in the budget. No additional County match is required.** The number of seniors served is based on the amount of the grant and the need of the clients. The upward budget amendment is necessary to align the County budget with the actual grant award. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Rd. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

5. Staff recommends motion to approve: Interlocal Contract for Ryan White Part A HIV Support Services with the Florida International University Board of Trustees (FIU), a public university of the State of Florida, for the three (3) year period March 1, 2023 through February 28, 2026, in an amount totaling \$75,000, of which \$25,000 is budgeted in Grant Year (GY) 2023 with an anticipated annual allocation of \$25,000 in each subsequent grant year contingent upon a budgetary appropriation by the Board of County Commissioners, subject to funding approval by the U.S. Department of Health and Human Services, for the provision of program evaluation services intended to improve health outcomes for persons living with HIV Spectrum Disease. **SUMMARY:** The collaboration between FIU and the Ryan White Program provides evaluation services for the Ryan White Program and research opportunities for FIU. The collaboration with the Ryan White Program includes activities of well-trained students who can help with short-term and long-term evaluation and quality improvement projects. The data to be accessed by FIU for this project will be de-identified and shall not contain identifiers. **These are Ryan White Part A HIV Support Services grant funds, no County match is required.** (Ryan White Program) Countywide (HH)

6. Staff recommends motion to ratify: the signature of the Mayor on the Phase 40 Emergency Food and Shelter Program (EFSP) Grant Application, for a period to be determined upon receipt of funding, in the amount of \$350,000, for the provision of rental and mortgage assistance to individuals and families in need. **SUMMARY:** The Emergency Food and Shelter National Board Program is a restricted federal grant that provides EFSP funds. The United Way of Palm Beach County, Inc. (United Way) administers the award locally. The Palm Beach County Community Services Department has a long history with United Way and the Emergency Food and Shelter grant. The Division of Human Services (DHS) has received EFSP funds for the past 28 years. The DHS is applying for funds in the amount of \$350,000 to provide rental and mortgage assistance to approximately 175 families in need in our community. During the last EFSP funding cycle 257 households were served, a 10% increase from the previous funding cycle. **The EFSP funds are non-recurring funds and no County match is required.** The emergency signature process was utilized because there was not sufficient time to submit the grant applications through the regular BCC agenda process. (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: an Agreement with TargetSolutions Learning, LLC (TSL) d/b/a Vector Solutions (Agreement), providing a subscription to the County of Vector TSL Learning Management System (LMS), for an initial fee of \$10,167, which includes a one-time implementation fee of \$1,500, and annual \$435 maintenance fee and subscription fees of \$8,232 for the initial 12-month term, commencing on May 1, 2023, and ending April 30, 2024, with four additional automatic renewals of one year. **SUMMARY:** The Agreement provides a subscription to TSL's LMS, which will enable the Department of Airports (DOA) to provide all required training materials in a single web-based environment, including County, DOA, Transportation Security Administration and Federal Aviation Administration (FAA) training. In addition to satisfying County training requirements, commercial service airports are required to maintain certain training records for annual inspections conducted by federal regulatory agencies. Currently, training is provided through a variety of platforms with compliance being documented manually. LMS will streamline the assignment, tracking and reporting of course completion through a single database, which will reduce staff time compiling required reports and will enable users to better track completion status. In addition to consolidating required training materials, TSL will be providing additional copyrighted training materials in its course library for use by DOA staff, including public safety materials relevant to airport operations. The initial term of the Agreement is one year with four, one-year automatic renewals. The County may terminate the Agreement with 60 days' notice to TSL prior to the expiration of the then current term. The Agreement provides for an annual increase of 3% to maintenance and subscription fees. Because the subscription includes access to copyrighted training materials, the purchase of the LMS subscription is exempt from the County's Purchasing Code and the EBO Ordinance. The Agreement includes nonstandard limitation of liability and indemnification provisions, limiting TSL's liability and indemnification obligations to the limits of TSL's insurance coverage. TSL maintains \$1 Million in General Commercial Liability coverage per occurrence and \$2 Million General Aggregate and \$5 Million in Professional Liability coverage per claim. Due to business needs and after advising the Department accordingly, approval has been granted by Risk Management and the County Attorney's Office to move the Agreement forward for Board of County Commissioner approval. Due to the required compliance to maintain specific training records per the Federal Aviation Administration's 14 Code of Federal Regulations Part 139, DOA recommends approval of this item. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$17,802 for the full satisfaction of a code enforcement lien entered against Walter Ungermann on May 12, 2021. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an order on March 6, 2020 for the property owned by Mr. Walter Ungermann, giving him until July 2, 2020 to bring his property located at 11368 165th Rd N., Jupiter, Florida into full code compliance. The property was cited for the construction of a fence and gate without a valid building permit. Compliance with the CESM's Order was not achieved, and a fine of \$50 per day was imposed. The CESM entered an order imposing a code lien against Walter Ungermann on May 12, 2021. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on January 27, 2023. The total fine on February 24, 2023 was \$44,506, the date on which settlement discussions began. Ms. Leslie Taylor, heir of Mr. Walter Ungermann, has agreed to pay Palm Beach County \$17,802 (40%) for full settlement of the outstanding code enforcement lien. District 1 (RS)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: a fully executed Site Dedication/Notice of Grant Agreement for a portion of John Prince Memorial Park located at 2700 6th Avenue South in Lake Worth dedicating the site for public use for a minimum of twenty (20) years to satisfy a requirement of the Florida Boating Improvement Program Grant. **SUMMARY:** On February 2, 2021, the Board of County Commissioners (Board) approved a Florida Boating Improvement Program grant (R2021-0193) in the amount of \$150,000 that was awarded to the County by Florida Fish and Wildlife Conservation Commission (FFWCC). The grant was used to fund a portion of the construction costs associated with the redevelopment of the John Prince Memorial Park boat ramps from November 18, 2020 through June 30, 2023. The FBIP grant required a site dedication to be recorded in the Public Records dedicating the project site for the benefit of the public as a boating access facility for a minimum of twenty (20) years from the project completion date. The site dedication is not intended to convey title to the public; title shall remain vested with the County. The Site Dedication/Notice of Grant Agreement has been fully executed on behalf of the Board by the County Administrator or designee, who in this case was the Director of the Parks and Recreation Department, in accordance with Resolution R2019-0642. (Property & Real Estate Management) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to receive and file: Notice of exercise of the second and final 1-year renewal option to extend, the ATM Operating Agreement (License Agreement) with Guardians Credit Union dated December 10, 2018, for the following locations:

A) Vista Center, 2300 N. Jog Road, West Palm Beach, FL 33411;

B) PBC Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406;

C) South County Courthouse, 200 W. Atlantic Avenue, Delray Beach, FL 33444; and

D) PBC Courthouse, 205 N. Dixie Highway, West Palm Beach, FL 33401.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached request to extend dated January 5, 2023, has been received on behalf of the Board of County Commissioners (Board) by the Facilities Development and Operations Department in accordance to the delegation of authority approved by the Board on June 5, 2012. This final 1-year option that will extend through February 17, 2024, is now being submitted to the Board as a receive and file agenda item. PREM will continue to administer this License Agreement. (Property & Real Estate Management) District 3 & 7 (HJF)

3. Staff recommends motion to receive and file: Standard Infrastructure Surtax Project Funding Agreement dated January 30, 2023 in the amount of \$10,951,540 for the administration and funding of in-car camera equipment with Ric L. Bradshaw, Sheriff of Palm Beach County (Sheriff) for a period of January 30, 2023 through January 29, 2024. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached standard Agreement, dated January 30, 2023 has been fully executed on behalf of the Board of County Commissioners (Board) by the Director of Facilities Development & Operations. The Standard Agreement was approved by the Board on April 4, 2017, Agenda item 5C-3. This executed document is now being submitted to the Board to receive and file. (FDO Admin) Countywide (MWJ)

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3. CONSENT AGENDA APPROVAL

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

4. **Staff recommends motion to approve:** An Interlocal Agreement (“Agreement”) with the City of Miramar (“Municipality”) allowing for interoperable communications through the countywide common talk groups of the County’s Public Safety Radio System (“System”) for a period of five (5) years, commencing retroactively from August 15, 2022 through August 14, 2027. **SUMMARY:** This Agreement provides the terms and conditions under which the Municipality can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County’s System will not be utilized for routine operational communications by the Municipality. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Municipality is required to pay all costs associated with the Municipality’s subscriber units and to comply with the established operating procedures for the County’s System. The agreement provides for an initial term of five (5) years with two (2) renewal options, each for a period of five (5) years. This Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. (ESS) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

5. **Staff recommends motion to approve:** Work Order No. 23-014 (Work Order) to the annual minor construction contract (R2020-0144) with Anzco, Inc. (Contractor) in the amount of \$360,440 for the Water Utility (WUD)-Storage Yard Canopy project for a period of 120 calendar days from notice to proceed. **SUMMARY:** The existing WUD flammable storage area at Building No. 6 is currently an unused, open-air space with a perimeter wall and storage structures. WUD intends to repurpose this space as covered storage for their lift station pumps. This project includes, but is not limited to, alterations to the existing space to remove the existing storage structures and debris, installation of new lighting with accompanying electrical service and installation of a new canopy over the existing storage space. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 120 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$180 per day. This Work Order was solicited pursuant to the annual minor construction contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual minor construction contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (APIs): 1) sheltered market for projects less than \$100,000; or 2) 10% Small Business Enterprises (SBE) price preference for single trade projects \$100,000 or greater; or 3) a 25% minimum mandatory SBE participation for multi-trade projects \$100,000 or greater. Since this is a multi-trade project greater than \$100,000, the 25% minimum mandatory SBE participation API was applied. The SBE participation on this Work Order is 58.31%. The cumulative SBE participation on the annual minor construction contract is 49.18%. The Contractor is a local SBE certified business. Funding for this project is from the WUD Operation & Maintenance Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

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

6. **Staff recommends motion to approve:** Change Order No. 14 to Amendment No. 1 to the Construction Manager (CM) at Risk Services contract with Kaufman Lynn Construction, Inc. (R2019-0849) for the Canyon District Park – Phase 1 project increasing the project duration by 125 calendar days. **SUMMARY:** On December 8, 2020, the Board of County Commissioners (Board) approved Amendment No. 1 (R2020-1812) to the continuing CM at Risk Services contract with Kaufman Lynn Construction, Inc. in the amount of \$10,793,121.02 establishing a Guaranteed Maximum Price (GMP) for construction of the Canyon District Park – Phase 1 project. Change Order No. 14 to Amendment No. 1 authorizes an increase in the project duration of 125 calendar days, at no additional cost, due to permitting and inspection delays which impacted the project’s schedule critical path. The CM at Risk Services contract was presented to the Goal Setting Committee on October 16, 2019 and the Committee established Affirmative Procurement Initiatives (API) of 25% SBE participation, of which 3% must be a Minority Business Enterprise (MBE), African American or Hispanic. There is no SBE participation for this change order. To date, the overall SBE participation for the contract is 25.21% SBE participation, of which 2.88% is MBE participation. Kaufman Lynn Construction, Inc. is a local business. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 5 (MWJ)

7. **Staff recommends motion to approve:** Change Order No. 7 to Amendment No. 2 to the Construction Manager (CM) at Risk Services contract with Kaufman Lynn Construction, Inc. (R2019-0849) for the Canyon District Park – Phase 1A project increasing the project duration by 202 calendar days. **SUMMARY:** On May 4, 2021, the Board of County Commissioners (Board) approved Amendment No. 2 (R2021-0581) to the continuing CM at Risk Services contract with Kaufman Lynn Construction, Inc. in the amount of \$1,940,675.27 establishing a Guaranteed Maximum Price (GMP) for construction of the Canyon District Park – Phase 1A project. Change Order No. 7 to Amendment No. 2 authorizes an increase in the project duration of 202 calendar days, at no additional cost, due to permitting and inspection delays which impacted the project’s schedule critical path. The CM at Risk Services contract was presented to the Goal Setting Committee on November 4, 2020 and the Committee established Affirmative Procurement Initiative (API) of 20% SBE participation, of which 5% must be a Minority Business Enterprise (MBE), African American or Hispanic. There is no SBE participation for this change order. To date, the overall SBE participation for the contract is 27.10% SBE participation, of which 6.78% is MBE participation. Kaufman Lynn Construction, Inc. is a local business. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 5 (MWJ)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

8. Staff recommends motion to approve:

A) A change in ownership interest of the concessions provider at Osprey Point Golf Course in Burt Aaronson South County Regional Park from Thoroughbred Holdings, LLC to SW Hospitality Group LLC; and

B) A Second Amendment to Concessionaire Lease Agreement with SW Hospitality Group LLC, memorializing the change in ownership of the food and beverage concessions provider at Osprey Point Golf Course in Burt Aaronson South County Regional Park.

SUMMARY: On July 25, 2019, the Board of County Commissioners (Board) approved Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC (R-2019-1060) to provide food and beverage concessions at Osprey Point Golf Course in Burt Aaronson South County Regional Park. On August 17, 2021, the Board approved a change in ownership from Osprey Point Management, LLC to Thoroughbred Holdings, LLC which was memorialized in the First Amendment to Concessionaire Lease Agreement (R-2021-1075). Thoroughbred Holdings, LLC wishes to sell its business to SW Hospitality Group, LLC and is requesting consent of the change in ownership as required by the terms of the Concessionaire Lease Agreement. This Second Amendment approves the change in ownership and the assumption of performance obligations under the terms of the Concessionaire Lease Agreement by SW Hospitality Group, LLC. All other terms and conditions to the Agreement remain unchanged. The Parks and Recreation Department (Parks) will continue to have administrative responsibility for the Concessionaire Lease Agreement. (Property & Real Estate Management) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

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

9. Staff recommends motion to approve: a Temporary Construction and Perpetual Access and Landscape Easement (Easement) in favor of the School Board of Palm Beach County (School Board) over a portion of Canyon District Park (Park) for the purpose of constructing a turn lane, driveway connections, sidewalks, crosswalks, roadway striping, drainage improvements, and installation of landscaping, including maintenance of existing or any future development within the easement area. **SUMMARY:** The Park is located just south of Boynton Beach Boulevard between Acme Dairy Road and Lyons Road in unincorporated Palm Beach County. The School Board is constructing a school known as 17-PP Sunset Palms on property adjacent to the Park and has requested access to Senator Joe Abruzzo Avenue, which is not a public right-of-way, for ingress and egress to the new school. The School Board will share in equal parts (50/50), the maintenance and repair of the road not to exceed \$3,562 annually for the first five years (the current yearly maintenance cost is \$7,125). The annual maximum contribution will be subject to increase once every five years based on the CPI or 3%, whichever is less. The temporary construction rights granted in this Easement will automatically terminate upon the earlier of: School Board's completion of construction of its roadway improvements or 24 months from the Effective Date. In addition, the School Board will maintain, at its expense, the landscape easement area which is located north of the proposed roadway improvement area. (Property & Real Estate Management) District 5 (HJF)

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file: An Assistance Amendment to the Cooperative Agreement (R2014-0058) with the U.S. Environmental Protection Agency (EPA), providing for a 24-month time extension. **SUMMARY:** On January 14, 2014, the County entered into a Cooperative Agreement (R2014-0058) with EPA, with subsequent amendments, to receive \$1,400,000 to establish the County's Brownfields Revolving Loan Fund (BRLF) Program with an initial performance period of five (5) years. The BRLF Program offers financial assistance to qualified borrowers and subgrantees to cleanup properties that have been designated as Brownfields. Two projects were funded under this program: the petroleum cleanup of a site located at 480 U.S. Highway 27 in South Bay that will be redeveloped as a restaurant, creating 6 new jobs; and the petroleum cleanup of a site located at 2401 Broadway in West Palm Beach that will be redeveloped as mixed-use, creating 70 to 100 new jobs. The program has expended \$953,988 with \$446,012 remaining. This Amendment provides 24 additional months to the BRLF Program period from September 30, 2022 to September 30, 2024, to allow time to complete goals in the BRLF work plan. **These EPA funds require a 20% local match to be provided by subgrantees and borrowers.** Countywide (DB)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to receive and file: Amendment 001 to Agreement with the City of South Bay, dated October 01, 2021 (R2022-0707), under Fiscal Year 2021-2022 Action Plan via the Special Area of Hope under the Community Development Block Grant (CDBG) program. **SUMMARY:** The original Agreement provided \$368,680 in funding for design/consulting services and improvements at the Cox Park located at 105 NW 8th Avenue, in the City of South Bay. Amendment 001 extended the original Agreement performance requirement to award construction contract and provided additional funding to allow the City to award the construction contract and complete project. The date to award construction contract has been modified from January 31, 2023 to February 28, 2023. Additional CDBG funds in the amount of \$124,028 have also been allocated to the City's Cox Park improvement project, for a total CDBG allocation of \$492,708. The time extension and additional funds are needed to award the construction contract to the lowest responsive and responsible bidder and allow the City of South Bay an adequate timeframe to complete the project and expend CDBG funds by January 31, 2024. The original Agreement was received and filed by the Board of County Commissioners under Agenda Item 3I-2 (R2022-0707) on July 12, 2022. Amendment 001 has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Development in accordance with R2021-0948; dated July 13, 2021 that delegated authority to the County Administrator or designee. The time extension and additional funds will allow the City to complete its Cox Park project and the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **These are Federal CDBG funds which require no local match.** District 6 (HJF)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to receive and file: Amendment 001 to Agreement (R2022-1369) with the Town of Lake Clarke Shores, dated September 26, 2022, under Fiscal Year 2022-2023 for the Community Development Block Grant (CDBG) program, extending the performance requirement date from December 31, 2022 to March 31, 2023, and providing additional funds. **SUMMARY:** The original Agreement provided \$224,882 in funding for Phase I of sanitary sewer improvements within the area bound by unincorporated Seminole Manor and Maralago Cay neighborhoods, south of Lantana Road and east and west of Lawrence Road. Amendment 001 extends the original Agreement performance requirement date to award construction contract, from December 31, 2022 to March 31, 2023. Additional CDBG funds in the amount of \$512,118 have also been allocated to the City's sewer project and was approved by the Board of County Commissioners (BCC) on February 7, 2023 (R2023-0220), for a total CDBG allocation of \$737,000. The time extension and additional funds are needed to award the construction contract to the lowest responsive and responsible bidder and allow the Town of Lake Clarke Shores an adequate timeframe to complete the project within the Agreement requirements. The original Agreement was received and filed by the Board of County Commissioners (BCC) under Agenda Item 3I-3 (R2022-1369) on November 22, 2022. Amendment 001 has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Development in accordance with R2022-0746; dated July 12, 2022 that delegated authority to the County Administrator or designee. The time extension and additional funds will allow the City to complete its sewer project and the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **These are Federal CDBG funds which require no local match.** District 3 (HJF)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to receive and file: Amendment 001 to Agreement (R2021-1535) with the City of Riviera Beach, dated September 21, 2021, funded under the Third (3rd) Amendment to Fiscal Year 2020-2021 Action Plan for the Community Development Block Grant (CDBG) program, extending completion time from December 31, 2022 to February 28, 2023. **SUMMARY:** The original Agreement provided \$118,000 in funding for the installation of digital internet/WIFI infrastructure at five (5) Municipal Parks located within the City of Riviera Beach. Amendment 001 acknowledged the City's ability to meet both City and Federal procurement requirements and extended the original Agreement performance requirement to submit for 100% reimbursement of CDBG funds from December 31, 2022 to February 28, 2023. The time extension was needed to allow the City of Riviera Beach time to finalize project close-out documentation and request 100% reimbursement of CDBG funds from the County. The original Agreement was received and filed by the Board of County Commissioners under Agenda Item 3I-9 (R2021-1535) on October 19, 2021. Amendment 001 has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Development in accordance with R2020-0926; dated July 14, 2020 that delegated authority to the County Administrator or designee. The extension will allow the County to meet its CDBG spending requirements. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **These are Federal CDBG funds which require no local match.** District 7 (HJF)

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to receive and file: the following HOME Investment Partnership Program (HOME) funded amendments to Loan Agreements:

A) Amendment 003 to HOME Loan Agreement (R2020-1888) with HTG Heron Estates Family, LLC, extending the completion date from December 31, 2022 to March 31, 2023; and

B) Amendment 003 to HOME Loan Agreement (R2021-1078) with Habitat Housing Solutions, Inc., deleting the 50% loan expenditure date of January 31, 2023. The project completion date of September 30, 2023 will remain the same.

SUMMARY: The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 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 (R2020-1888) with HTG Heron Estates Family, LLC as amended by Amendment 001 (R2022-0705; May 1, 2022) and by Amendment 002 (R2022-1367; September 30, 2022), provided \$500,000 in HOME funding toward the construction of a seventy-nine (79) unit rental development in Riviera Beach of which ten (10) are HOME assisted. COVID-19 and supply chain issues have impacted the project thereby extending the project completion date from December 31, 2022 to March 31, 2023. The Loan Agreement (R2021-1078) with Habitat Housing Solutions, Inc., as amended by Amendment 001 (R2022-0704; June 6, 2022) and by Amendment 002 (R2022-1280; August 31, 2022), provided \$625,000 in HOME funding and a \$65,000 HOME/CHDO grant towards the construction of five (5) single family homes in the Glades area. COVID-19 and supply chain issues have impacted the project thereby the need to delete the 50% loan expenditure date of January 31, 2023. County PPM CW-O-051 provides that 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 SHIP funds. Districts 3, 5 & 6** (HJF)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to:

A) approve a request for an Amendment to the 2016 Bond Series and to the Bond Documents R2016-0938 pursuant to which such Bond was issued to finance a project on behalf of Caron of Florida, Inc. (the "Borrower"); and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing certain amendments to the Revenue Bonds (Caron of Florida, Inc. Project) Series 2016, previously issued in the principal amount of \$6,983,000, for the purpose of making a loan to finance a project on behalf of the Borrower; confirming that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided; approving and authorizing the execution and delivery of the documents necessary to complete such amendments.

SUMMARY: The 2016 Bonds were issued on September 1, 2016 to finance a project consisting of the refunding of the County's Amended and Restated Tax-Exempt Adjustable Mode Revenue Bonds (Caron Foundation of Florida, Inc. Project) Series 2008 which were originally issued to finance the (i) acquisition, construction, installation and furnishing of certain leasehold improvements to the apartment facilities known as Fairways on the Green located at 2101 Lowson Boulevard, Delray Beach, Florida; (ii) acquisition, build-out, installation and furnishing of an office and outpatient treatment facility known as Beacon Square located at 8051 Congress Avenue, Boca Raton, Florida; and (iii) the payment of the costs of issuance of the 2016 Bonds. The proposed amendments will (a) modify the terms of the 2016 Bonds to, among other things, adjust the interest calculation from a London Interbank Offered Rate (LIBOR) based index to a Term Secured Overnight Financing Rate (SOFR) based index for the 2016 Bonds; and (b) make certain other necessary amendments to the terms and conditions of the financing documents. **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)

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to:

A) approve a request for (1) amendments to the Palm Beach County, Florida Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2006, R2006-0896, including a Supplement to Amended and Restated Indenture of Trust pursuant to which such Bonds were issued (as amended and supplemented, the "2006 Indenture") and (2) amendments to the Palm Beach County, Florida Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2014, R2014-0704, including a Supplement to Indenture of Trust pursuant to which such Bonds were issued (as amended and supplemented, the "2014 Indenture" and, together with the 2006 Indenture, the "Indentures"), in each case to finance and refinance certain projects on behalf of The King's Academy, Inc.; and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing certain amendments to (1) the Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2006 (the "2006 Bonds"), previously issued in an aggregate principal amount not exceeding \$22,000,000 and (2) the Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2014 (the "2014 Bonds" and together with the 2006 Bonds, collectively, the "Bonds"), in each case for the purpose of making a loan to finance and refinance certain projects on behalf of The King's Academy, Inc.; confirming that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided, as applicable; approving and authorizing the execution and delivery of any documents necessary to complete such amendments.

3. CONSENT AGENDA APPROVAL

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

7. **SUMMARY (cont'd.):** The 2006 Bonds were issued on August 10, 2006 to finance and refinance a project consisting of (i) the acquisition, construction and equipping of a new school campus owned and operated by The King's Academy, Inc. for students in grades pre-k through 12, consisting of the acquisition of approximately 63.7 acres of land and the construction, installation and equipping thereon of buildings with approximately 194,000 gross sq. ft. of space for classrooms, a sports and fine arts center, science center, music building, library/media center, field house, food services, administration, maintenance, site improvements for athletic fields and landscaping and related improvements and equipment at 8401 Belvedere Road, West Palm Beach, Florida 33411; and (ii) the payment of the costs of issuance of the 2006 Bonds. The 2014 Bonds were issued on June 10, 2014 to finance and refinance a project consisting of (i) the acquisition, construction, installation and equipping of a new theater facility located in Palm Beach County, Florida, totaling approximately 22,000 gross square feet of space with a seating capacity of approximately 800 people, and other necessary and useful renovations, improvements, equipment purchases and other capital expenditures; and (ii) the payment of the costs of issuance of the 2014 Bonds. The proposed amendments will (a) modify the terms of the Bonds to, among other things, convert the current floating interest rate calculation from a London Interbank Offer Rate (LIBOR) based index (which will no longer be supported after June 30, 2023) to a Secure Overnight Financial Rate (SOFR) based index for the Bonds; and (b) make corresponding amendments to the Indentures and make certain other necessary amendments to the terms and conditions of the Indentures and other related documents. **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 2 (DB)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

8. Staff recommends motion to:

A) approve a request for an Amendment to the 2014 Industrial Development Revenue Bond, R2014-1078, and an Amendment to Financing Agreement dated September 2, 2014 pursuant to which such Bond was issued to refinance a project on behalf of Saint Andrew's School of Boca Raton, Inc.; and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing certain amendments to the Industrial Development Revenue Bond (Saint Andrew's School of Boca Raton, Inc. Project) Series 2014 (the "2014 Bond"), previously issued in an aggregate principal amount not exceeding \$28,730,000, for the purpose of making a loan to refinance a project on behalf of Saint Andrew's School of Boca Raton, Inc.; confirming that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided; approving and authorizing the execution and delivery of the documents necessary to complete such amendments.

SUMMARY: The 2014 Bond was issued on September 2, 2014 to refinance a project consisting of the construction, installation and equipping of educational facilities for Saint Andrews School in Boca Raton, Florida. The proposed amendments will (a) modify the terms of the 2014 Bond to, among other things, convert the interest calculation from a London Interbank Offer Rate (LIBOR) based index to a Term Secure Overnight Financial Rate (SOFR) based index for the 2014 Bond; and (b) make corresponding amendments to the Financing Agreement and make certain other necessary amendments to the terms and conditions of the Financing Agreement. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the 2014 Bonds.** District 4 (DB)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

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

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

A) a Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$8,768,012 for the HOME Investment Partnerships Program-American Rescue Plan (HOME-ARP); and

B) Application for Federal Assistance SF-424.

SUMMARY: These documents were executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development (DHED) in accordance with Agenda Item 6B-4, approved by the BCC on February 7, 2023 that delegated authority to the County Administrator or designee. The grant agreements/funding approvals constitute the contracts between HUD and the County for the receipt of Federal funds and are now being submitted to the BCC to receive and file. HUD allocated HOME-ARP funding in the amount of \$8,768,012 to Palm Beach County to respond to the COVID-19 pandemic. The HOME-ARP Program provides for housing and related services for qualifying populations, including the homeless, those at risk of homelessness and those experiencing housing instability. The County's HOME-ARP Allocation Plan was approved by the BCC on February 7, 2023 through Agenda Item 6B-4. **These are Federal HOME-ARP grant funds which require no local match.** Countywide (HJF)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: Two (2) executed Standard Potable Water and Wastewater Development Agreements, one (1) executed Standard Reclaimed Water Service Agreement Direct System for the months of November and December 2022, and one (1) Amendment No. 2.
 - A) Standard Potable Water and Wastewater Development Agreement with Autumn Ridge Apartments, LTD, SDA #01-01277-000 (District 7), Recorded in OR BK 34026 PG 1441;
 - B) Standard Potable Water and Wastewater Development Agreement with Fury Construction & Development, LLC, SDA #09-01100-000 (District 5), Recorded in OR BK 33955 PG 1278;
 - C) Standard Reclaimed Water Service Agreement Direct System with Fury Construction & Development, LLC, SRWSA #09-90017-000 (District 5), Recorded in OR BK 33955 PG 1271; and
 - D) Amendment No. 2 to the 2019 Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (Contractor) to extend the Contract for an additional 3-month period.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item and are attached unless the documents have been recorded in the Public Records of Palm Beach County. The documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Palm Beach County Water Utilities Department (PBCWUD) in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. Districts 5 & 7. On February 11, 2020, the BCC approved the Contract (R2020-0160) with the Contractor in the amount of \$13,797,132.75 for a three (3) year term. On June 15, 2021, the BCC approved Amendment No. 1 (R2021-0817) which increased the Contract funding to \$19,797,132.75. Amendment No. 2 provides for a 3-month extension of the Contract. The extension has been fully executed on behalf of the BCC by the Director of PBCWUD in accordance with County Purchasing Code Sections 2-53(f) and 2-54(c)(9); and all delegated contracts are now being submitted to the BCC to receive and file. Countywide (MWJ)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. Staff recommends motion to approve:

- A) a Contract for Consulting/Professional Services for Water Treatment Plant (WTP) Nos. 3 and 9 Process Improvements (Contract) with Calvin, Giordano and Associates, Inc., (Consultant); and
- B) Consultant Services Authorization (CSA) No. 1 to the Contract with Consultant for Design, Bidding and Permitting Services (Project) for a not to exceed amount of \$2,010,182.12.

SUMMARY: The Contract will provide consulting/professional engineering, surveying, design, permitting, bidding support, services during construction and related services to enhance operational process reliability and efficiency at Palm Beach County Water Utilities Department (PBCWUD) WTP Nos. 3 and 9 by implementing various improvements including replacement of aging infrastructure. The Contract has a term of four (4) years. This Contract was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On March 17, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal of which 5% shall be among certified African American owned firms and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified African American owned firms. Consultant has met the established API. CSA No. 1 includes design, permitting and bidding services for improvements to enhance operational process reliability and efficiency at WTP Nos. 3 and 9. The scope for this project includes, but is not limited to, the following: 1. Degasifier systems, odor control systems and clear well improvements, 2. Process and reliability improvements, 3. Safety, electrical and instrumentation and controls improvements, and 4. Development of a master set of drawings. The Contract provides for 30% SBE participation, which includes 28% MBE participation, 15% MBE (B) and 13% MBE (A). CSA No. 1 includes 62.46% overall SBE participation which includes 61.33% MBE participation, 9.91% MBE (B) and 51.42% MBE (A). Consultant is headquartered in Fort Lauderdale, Florida and maintains an office in Palm Beach County from which the majority of the work under the Contract will be undertaken. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-036 Contract and PBCWUD Project No. 23-023 CSA No. 1) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

3. Staff recommends motion to approve: Full Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 21457 Page 1009. **SUMMARY:** Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in the utility easement recorded in the Official Records of Palm Beach County as noted above and located at 101 Sansburys Way, West Palm Beach. The Property Owner requested release of the identified easement that is no longer associated with any public potable water, reclaimed water and wastewater facilities. As a result of site development for Ranger at Sansburys Way Multiple Use Planned Development, the existing identified utility easement is no longer required. PBCWUD has determined that the release of the easement will not affect existing or new public potable water, reclaimed water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 21-566) District 6 (MWJ)

4. Staff recommends motion to approve: Supplement No. 1 to the Consultant Services Authorization (CSA) No. 2 to the Consulting/Professional Services Master Lift Station (LS) and Repump Improvements (Contract) with AECOM Technical Services, Inc., (Consultant) for the LS 5015 Conversion to Repump (Project) for a not to exceed amount of \$131,900.06. **SUMMARY:** On April 20, 2021, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2021-0508) with Consultant. Supplement No. 1 to CSA No. 2 provides for engineering services including development of flow design conditions, revisions of project design based on the relocation of the proposed site and the design of an emergency bypass system at the station. The Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On July 1, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a 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 African American owned firms. The Contract provides for 31.00% SBE participation, which includes 19.00% MBE participation, 17.00% MBE (B), and 2.00% MBE (A). Supplement No. 1 includes 5.49% SBE participation, which includes 0.00% MBE participation, 0.00% MBE (B), and 0.00% MBE (A). The cumulative SBE participation including Supplement No. 1 is 23.04% SBE participation, which includes 15.42% MBE participation, 15.42% MBE (B), and 0.00% MBE (A). While Consultant is headquartered in Los Angeles, California, they maintain an office in Palm Beach County from which the majority of the work under this Supplement will be performed. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-062) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

L. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **Staff recommends motion to approve:** the reappointment of current member to Seat No. 1 and the appointment of a new member to Seat No. 3 to the Groundwater and Natural Resources Protection Board (GNRPB) beginning May 5, 2023 through May 5, 2026.

<u>Seat No.</u>	<u>Reappointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated by</u>
1	Terrence Bailey	Professional Engineer	5/5/2026	Florida Engineering Society Palm Beach Chapter

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated by</u>
3	Maria Pizano-Balatovis	Member of an Environmental Organization	5/5/2026	Palm Beach County Chapter of the Florida Native Plant Society

SUMMARY: The GNRPB is comprised of seven members as specified in Article 2.G.3.F.3 of the Unified Land Development Code (ULDC). The membership consists of one professional engineer, one attorney, one hydrologist or hydrogeologist, one citizen possessing expertise and experience in managing a business, one biologist or chemist, one concerned citizen, and one member of an environmental organization. Ordinance 92-20 and Article 2.G.3.F.3 of the ULDC requires that Seat No. 1 be filled by a professional engineer and that Seat No. 3 be filled by a member of an environmental organization. The GNRPB has seven seats currently filled and diversity count of Caucasian: 5 (71.43%), African-American: 2 (28.57%) and Hispanic-American: 0 (0.0%). The gender ratio (female:male) is 3:4. Seat No. 1 nominee is an African-American male and Seat No. 3 is a Hispanic-American female. Staff continues to address the need for increased diversity within our boards and will encourage expansion of this Board’s diversity. Countywide (SF)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

2. Staff recommends motion to:

A) receive and file Amendment No. 1 to the State of Florida, Florida Department of Environmental Protection (FDEP) Agreement No. 22PB9 (Agreement), for the South Lake Worth Inlet Management Plan Implementation (Project), extending the Agreement termination from December 31, 2024 to December 31, 2025; changing the task start date from July 1, 2021 to September 10, 2019; and increasing the State cost share for the design task by \$12,500; and

B) approve a Budget Amendment in the Beach Improvement Fund in the amount of \$12,500 to recognize the increase the State cost share for the design task.

SUMMARY: On September 14, 2021, the Board of County Commissioners approved the Agreement (R2021-1251), originally providing up to \$1,350,000 for design, construction, and monitoring of the Project. Amendment No. 1 extends the Agreement for one year to complete construction and allows FDEP additional time to process the County's reimbursement request; changes the task start date to cover eligible design work; and increases design funding to include updates to the sediment budget and the South Lake Worth Inlet Management Plan. 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. **This Amendment increases the County's cost share by \$12,500.** District 4 (SF)

3. Staff recommends motion to:

A) receive and file Amendment 1 to the State of Florida, Florida Fish and Wildlife Conservation Commission (FWC) Agreement No. 21250 (Agreement) for construction of the Bonefish Cove Project (Project), increasing the not to exceed funding from \$500,000 to \$602,226.90; and

B) approve a Budget Amendment in the Manatee Protection Fund in the amount of \$102,227 to recognize the additional revenue from Amendment 1.

SUMMARY: On May 3, 2022, the Board of County Commissioners approved the Agreement (R2022-0439) providing \$500,000 from the FWC for Project construction. Amendment 1 increases the not to exceed amount from \$500,000 to \$602,226.90. 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. The Contract does not require a match. District 2, 7 (SF)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

4. Staff recommends motion to:

- A) **approve** State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 23PB2 (Agreement) for an amount not to exceed \$655,000 providing for construction of the Coral Cove Dune Restoration Project (Project) beginning July 1, 2021 and expiring December 31, 2025;
- B) **approve** a Budget Amendment of \$655,000 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 reimburses the County up to \$655,000 for construction costs. The County previously provided a 50% match of \$655,000 for the Project, using available funds from the Beach Improvement Fund. The Agreement covers eligible design, construction, and monitoring costs for storm repairs completed in 2022 as a result of Hurricanes Irma and Dorian. FDEP routinely approves eligible projects through approved Local Government Funding Requests for up to three years after work is completed. The Agreement is retroactive to July 1, 2021, and would cover previous expenditures. 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 design, permitting, construction, and monitoring work for the Project, 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 Section 768.28, Florida Statutes. **The retroactive County cost share is \$655,000. District 1 (SF)**

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

5. Staff recommends motion to:

- A) **approve** Agreement No. 22006 with the Florida Fish and Wildlife Conservation Commission (FWC) (Agreement) to provide up to \$57,660 of Federal funding (F20AF11284-A2) for the construction of the 2023 Delray Dredge Hole Artificial Reef (Project), expiring December 30, 2023;
- B) **adopt** a Resolution authorizing the Clerk of the Circuit Court and Comptroller to disburse \$64,090 from the Vessel Registration Fee Trust Fund to provide matching funding for the Project, including \$10,000 for contingencies;
- C) **approve** a Budget Amendment of \$57,660 in the Environmental Enhancement Saltwater Fund, and a transfer from Reserves of \$64,090 for a total of \$121,750 in funding for the Project; and
- D) **authorize** the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not significantly change the scope of work, terms, or conditions of this Agreement.

SUMMARY: The Agreement reimburses the County up to \$57,660 for the placement of a minimum of 500 tons of limestone boulders, designed concrete modules, or other suitable material at Delray Dredge Hole Artificial Reef site. The estimated total Project cost is \$121,750. The Resolution and budget transfer from County Vessel Registration Fees, a non-ad valorem source, will cover the County's 52% match of \$54,090 with an additional \$10,000 contingency. The Agreement contains indemnification and termination provisions that differ 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 desire to deploy this artificial reef, the amount of the grant award, County's current performance of such habitat enhancement projects and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of Section 768.28, Florida Statutes. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd)

6. Staff recommends motion to:

- A) **approve** State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 23PB5 (Agreement) for an amount not to exceed \$3,426,250 providing for design, construction, and monitoring of the South Lake Worth Inlet Management Plan Implementation Project (Project) beginning May 18, 2021 and expiring December 31, 2025;
- B) **approve** a Budget Amendment of \$3,426,250 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 reimburses the County up to \$3,426,250 for the following costs: up to \$50,000 for design and permitting of inlet maintenance dredging, with a local match of \$50,000 (50%); up to \$3,318,750 for construction of inlet maintenance dredging, with a local match of \$1,106,250 (25%); and up to \$57,500 for biological and physical monitoring costs, with a local match of \$57,500 (50%). Overall, the Agreement provides 74% of the \$4,640,000 total Project cost. The County provides an overall 26% match for the Project, up to \$1,213,750, using available funds in 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 design, permitting, construction, and monitoring work for the Project, 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 Section 768.28, Florida Statutes. **The County cost share is \$1,213,750.** District 4 (SF)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve: a subscription agreement for Palm Beach County's Library Department with PolicyMap Inc. for a (1) year term beginning upon approval by the Board of County Commissioners, with renewal options not to exceed five years, in the amount of \$9,000 each year with a one-time custom data load in the first year of \$1,900. **SUMMARY:** The Library Department requests a new (1) year term with (4) additional, (1) year renewal options to purchase a subscription with PolicyMap, for use by staff. This agreement will provide staff with access to PolicyMap's service which will primarily be used in conjunction with our strategic planning process. The purpose of this subscription is to identify areas of the County where membership is lower, or areas of the County where various library services could be most used or beneficial. As an added benefit the software can be used to answer some questions from the public. PolicyMap requires the County enter into a Subscription Agreement that contains liability provisions different from the County's standard requirements. The Department has requested Risk Management and County Attorney's Office approval of the non-standard liability provision. Due to business needs and after advising the Department accordingly, approval has been granted by Risk Management and the County Attorney's Office to move the Agreement forward for Board of County Commissioner approval. Policy Map's limitation of liability is limited to \$300,000. Countywide (AH)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to: approve:

Appointment of 12 members to the Public Safety Coordinating Council for a 4-year term for the period April 18, 2023 to April 17, 2027.

Seat	Nominee
State Probation Circuit Administrator	Michelle Johns
Pretrial Intervention Program	Latronda Hayes
Director of a Local Substance Abuse Treatment Program	Alton Taylor
Police Chief	Chief Gus Medina
Director of a Community Mental Health Agency	John Van Arnam, designee of Darcy Davis
Representatives from the county, state job programs, or community groups that work with offenders and victims	Julia Dattolo, CareerSource Palm Beach County
	Louis Tomeo, designee of Joseph Abruzzo, Clerk of Circuit Court
	John Viola, Palm Beach County Bail Bond Association
	Ann Berner, Southeast Florida Behavioral Health Network
Representative of the substance abuse program office and the mental health program office of the Department of Children and Families, selected by the substance abuse and mental health program supervisor	Jessica Durant
A primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor	Jan Underwood
A representative from an area homeless program or a supportive housing program	Daniel Ramos

3. CONSENT AGENDA APPROVAL

Q. **CRIMINAL JUSTICE COMMISSION** (cont'd)

1. **SUMMARY:** The Palm Beach County Board of County Commissioners (BCC) created the predecessor to the Public Safety Coordinating Council (PSCC) in 1991 by Resolution, (R91-1485), and subsequently amended the Resolution to conform the terms of the Resolution to section 951.26. On March 14, 2023, the BCC adopted a revised Resolution (R2023-0334) that designated the PSCC as the criminal justice, mental health, and substance abuse planning council required by Section 394.657, Florida Statutes. As a result, the PSCC will consist of 24 seats, of which six (6) are ex-officio seats without terms and filled by the designated public official or their designee and eighteen (18) are 4-year termed seats. Twelve (12) of the eighteen (18) 4-year termed seats are being nominated for appointment to the PSCC. The gender count of the 12 nominees is 6 females and 6 males and the diversity count is: 8 Caucasians, 2 Blacks, and 2 Hispanics. The ex-officio gender count is 3 females and 3 males and the diversity count is: 1 Hispanic and 5 Caucasians. With this board appointment, 18 of the 24 seats on the PSCC will be filled. The gender count will be 9 females and 9 males and the diversity count will be 13 Caucasians (72%), 2 Blacks (11%), and 3 Hispanics (17%). Countywide (HH)

2. **Staff recommends motion to approve:**

A) Appointment of five new members to the Criminal Justice Commission for the period April 18, 2023 to December 31, 2025.

Appoint Nominee	Seat No.	Term to Expire	Nominated By:
Earnie Ellison	22	12/31/2025	Economic Council
Michelle Suskauer	23	12/31/2025	Economic Council
Julia Dattolo	25	12/31/2025	Economic Council
Darcy Davis	28	12/31/2025	Economic Council

B) Reappointment of two current members to the Criminal Justice Commission for the period April 18, 2023 to December 31, 2025.

Re-Appointment Nominee	Seat No.	Term to Expire	Nominated By:
Lauren Whetstone	26	12/31/2025	Economic Council
Rachel Docekal	31	12/31/2025	Economic Council

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (cont'd)

2. **SUMMARY:** The Criminal Justice Commission (CJC) is comprised of 32 members; 21 public sector members representing local, state, and federal criminal justice and governmental agencies; 10 private sector business leaders representing and nominated for three-year terms by the Economic Council of Palm Beach County, Inc. (Council) and appointed by the Board of County Commissioners (BCC); and one private sector member representing the clergy is nominated for a three-year term by a variety of clergy associations in the County representing a broad-range of faiths, and appointed by the BCC. The Board has 32 seats; 31 seats currently filled and a diversity count of Caucasian: 24 (71%), African-American: 7 (26%), and Hispanic: (0%). The gender ratio (female: male) is 9:22. The seven nominees include five Caucasian females, one Caucasian male and one African-American male. Countywide (HH)

R. HUMAN RESOURCES

1. Staff recommends motion to adopt: RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY ADMINISTRATIVE CODE BY RESCINDING IN THEIR ENTIRETY THE PALM BEACH COUNTY MERIT SYSTEM RULES ADOPTED FEBRUARY 6, 2007, AND ALL SUBSEQUENT AMENDMENTS AND REVISIONS THERETO, AND ADOPTING IN THEIR STEAD THE REVISED MERIT SYSTEM RULES. **SUMMARY:** A revision of the Merit Rules is recommended to bring the rules up-to-date with legislative and legal changes, to make certain changes to bring the document in line with current practices, simplify the language, and to reformat for ease of understanding. Prominent areas updated include Recruitment and Selection with the addition of the Board's Ban the Box initiative and Paid Parental Leave policy; Rules of Conduct with updates regarding supervisor's responsibilities for reporting rules violations and taking appropriate action, and the addition of penalties for employees failing to report for emergency assignment; and Leave Benefits updates including Parental Leave, Family and Medical Leave Act and County holidays to reflect the addition of Juneteenth.
2. Staff recommends motion to approve: Contract with NMS Management Services, Inc., (NMS) to provide drug and alcohol testing services for Palm Beach County's employee drug and alcohol testing program, not to exceed annual cost of \$41,450. NMS is a local small business originally referred to Human Resources by Small Business Development, currently known as the Office of Equal Business Opportunity. **SUMMARY:** NMS will provide drug and alcohol testing for Palm Beach County applicants and employees in safety-sensitive positions, as required under the Omnibus Transportation Employee Testing Act of 1991. Services shall commence on May 1, 2023, for a term of five years, not to exceed annual cost of \$41,450. The cost of services remains the same as the previous contract. Countywide (DO)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file: a fully executed Software License and Professional Services Agreement (R2022-0072) with the U.S. Virgin Islands. **SUMMARY:** The Government of the U.S. Virgin Islands has a Software License and Professional Services Agreement with Palm Beach County to host a maintain their Business License Web Application. On February 1, 2022, the Board of County Commissioners approved a new Agreement for two (2) years effective October 1, 2021, with the option to extend for two (2) successive one-year terms. Due to the contract formation principles under U.S. Virgin Islands' law, this agreement was first executed by the County and now fully executed by U.S Virgin Islands. Countywide (DB)

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: two (2) fully executed Palm Beach County FY2023, Category "G" Grant Agreements managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with:
 - A) Foster Events Group, LLC, for the promotion of the Association of Pickleball Professionals (APP) Boca Raton International Masters, held from January 18 - 22, 2023, for the term October 18, 2022 – April 22, 2023. This grantee was approved by the TDC on November 16, 2022, in the amount of \$25,000; and
 - B) Rush World Sports, LLC, for the promotion of Florida RUSH, held from January 13 - 16, 2023, for the term October 13, 2022 – April 16, 2023. This grantee was approved by the TDC on November 16, 2022, 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 R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights generated for Foster Events Group, LLC/Association of Pickleball Professionals (APP) Boca Raton International Masters were 3,372, and room nights generated for Rush World Sports, LLC/Florida RUSH were 2,074. Districts 4,6,7 (YBH)

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL (cont'd.)

2. Staff recommends motion to receive and file: a fully executed Palm Beach County FY2023, Category "G" Grant Agreement managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with Match Point, Inc., for the promotion of the Delray Beach Open, held from February 10 - 19, 2023, for the term November 10, 2022 – May 19, 2023. This grantee was approved by the TDC on December 8, 2022, in the amount of \$30,000. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights generated for the Delray Beach Open were 1000. District 7 (YBH)

DD. SHERIFF

1. Staff recommends motion to:
 - A) **accept** on behalf of the Palm Beach County Sheriff's Office, a supplemental grant award in the amount of \$30,000 through the City of Miami as the fiscal agent for the Miami Urban Area Security Initiative (UASI) Grant Program; and
 - B) **approve** a budget amendment of \$30,000 in the Sheriff's Grant Fund.

SUMMARY: On September 13, 2022, the Board of County Commissioners (BCC) accepted a Palm Beach County Sheriff's Office (PBSO) grant award in the amount of \$1,909,519 for the FY21 Urban Area Security Initiative Grant Program, for the period August 2, 2022 through June 30, 2023 (R2022-1008). This agenda item provides \$30,000 in supplemental funds to offset the purchase of a large Bomb Robotic Platform. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance (CFDA) number is 97.067 and the contract number is R0521. Countywide (RS).

APRIL 18, 2023

3. CONSENT AGENDA APPROVAL

DD. SHERIFF (cont'd.)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a supplemental grant award in the amount of \$470,000 through the City of Miami as the fiscal agent for the Miami Urban Area Security Initiative (UASI) Grant Program;

B) receive and file a Modification #3 to the FY20 Urban Security Area Initiative (UASI) Memorandum of Agreement between the City of Miami and the Palm Beach County Sheriff's Office, to extend the grant period through February 28, 2023;

C) receive and file a Modification #4 to the FY20 Urban Security Area Initiative (UASI) Memorandum of Agreement between the City of Miami and the Palm Beach County Sheriff's Office, to extend the grant period through May 1, 2023; and

D) approve a budget amendment of \$470,000 in the Sheriff's Grant Fund.

SUMMARY: On August 17, 2021, the Board of County Commissioners (BOCC) accepted a Palm Beach County Sheriff's Office (PBSO) grant award in the amount of \$1,069,108 for the FY20 Urban Area Security Initiative Grant Program, for the period June 8, 2021 through June 30, 2022 (R2021-1139). On July 12, 2022, the BCC approved an extension through September 30, 2022 (R2022-0733). On August 23, 2022, the BCC approved an extension through December 31, 2022 (R2022-0874). This agenda item provides \$470,000 in supplemental funds to acquire a large Bomb Robotic Platform and to extend the grant period through May 1, 2023. The UASI is a federally-funded homeland security grant program, pass-through to the State of Florida and the City of Miami, as the UASI's fiscal agent. The Catalog of Federal Domestic Assistance (CFDA) number is 97.067 and the contract number is R0232. There is no match requirement associated with this award. Countywide (RS).

3. CONSENT AGENDA APPROVAL

EE. COMMISSION OF ETHICS

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

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APRIL 18, 2023

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

A. AIRPORTS

1. Staff recommends motion to:

A) adopt Resolution of the Board of County Commissioners of Palm Beach County, Florida Approving Fiscal Year 2023 Mid-Year Budget Amendment in Airports Operations Fund; and

B) approve budget amendment in Airports Operations Fund reflecting an adjustment in the balance brought forward and reserves. The total adjustment is a decrease of \$7,780,764 in this one fund.

SUMMARY: This budget amendment is necessary to adjust FY 2023 budget to reflect differences between actual and estimated revenues and expenditures of FY 2022. This amendment adjusts the balance brought forward and reserves accounts to their audited balances for Airports Operating fund. This amendment results in a decreased fund balance of \$7,780,764. The proposed adjustment will result in a decrease of \$7,780,764 in Airport Operating reserves. FY2023 budget projections currently assume the additional fund balance will be used to balance the annual budget. Countywide (AH)

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APRIL 18, 2023

5. REGULAR AGENDA

A. WATER UTILITIES

1. Staff recommends motion to approve: Irrevocable Directive of Project Proceeds (Directive) for Florida Design Drilling LLC (FDD). **SUMMARY:** On October 6, 2020, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1584) with FDD for the Wellfield Improvements Phase 1 in the amount of \$10,344,000.00, and on December 21, 2021, the BCC approved the PBCWUD Contract (R2021-1923) with FDD for the Wellfield Improvements Phase 2 in the amount of \$9,944,000.00 (Phase 1 and Phase 2 hereinafter referred to collectively as the Project). PBCWUD has received the attached Directive from FDD, in which FDD directs that all contract funds, balances, claims, and retainages now or hereinafter payable in connection with the Project be made payable to FDD and forwarded directly to FDD, c/o Great Horn Financial Services, LLC and any payments made via wire or ACH transfer shall be directed to First National Bank of Pennsylvania. As to Phase 1, the Directive is irrevocable by FDD without the written consent of Philadelphia Indemnity Insurance Company. As to Phase 2, the Directive is irrevocable by FDD without the written consent of Great Midwest Insurance Company. Districts 2, 3 & 5 (MWJ)

APRIL 18, 2023

5. REGULAR AGENDA

B. AIRPORTS

1. **Staff recommends motion to approve:** Change Order No. 1 to Amendment No. 1 Work Order SCC 01 Concourse B Expansion - Package 1 at Palm Beach International Airport (PBI) to the Construction Manager (CM) at Risk Contract (Contract) with Suffolk Construction Company, Inc. (Suffolk) for CM at Risk Services in the amount of \$802,677. **SUMMARY:** The CM at Risk Contract with Suffolk was approved by the Board on June 15, 2021 (R2021-0843) for the Concourse B Expansion project at PBI. Services under this Contract are provided on a task/work order basis and are approved in accordance with PPM CW-F-050. The project will ultimately provide for the construction of approximately 56,000 square feet of additional space at the end of Concourse B, including expansion of concession, passenger seating and restroom spaces, improvement of aircraft parking apron, construction of infrastructure to support two (2) additional passenger boarding bridges, extension of existing building systems and an overall refresh of the concourse. To minimize the impacts to passengers, the construction will be completed in multiple phases. Approval of Change Order No. 1 in the amount of \$802,677 will provide for the purchase and installation of electrical equipment required to support the full expansion of Concourse B and a future project for the replacement of the Pre-Conditioned (PC) Air system. The estimated time to receive the equipment is approximately 22 months from the date it is ordered as a result of supply chain issues. Although the electrical equipment is not needed until the next phase of the Concourse B expansion project, approval of Change Order No. 1 will reduce delays in the construction of both projects. Suffolk is based in Boston, Massachusetts; however, the work will be directly managed by its regional office in West Palm Beach, FL. An overall Disadvantaged Business Enterprise (DBE) goal of 20% was established for this Contract. DBE subcontracting participation for this Change Order No. 1 is 0% since the majority of cost is for the purchase of the equipment. DBE subcontracting participation for the Contract, including this Change Order No. 1, is 19.86%. The total DBE participation for Amendment No. 1 is 16.42%. 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 Change Order exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

B. AIRPORTS (cont'd.)

2. Staff recommends motion to approve: Amendment No. 8 to the General Consulting Agreement with RS&H, Inc. for Consulting/Professional Services in the amount of \$1,106,284.38 for the Concourse B & C Preconditioned (PC) Air Construction Administration; Elevator Modernization - Design, Bidding, and Award Services; and Federal Inspection Services (FIS) and Building 846 Storm Resiliency Modifications Package 3 - Bidding, Award, and Construction Administration Services. **SUMMARY:** The Consulting Agreement with RS&H, Inc. for general airport planning and design was approved by the Board on May 7, 2019 (R2019-0612) in the amount of \$2,004,570.58 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on May 5, 2020 (R2020-0414) increasing the amount of the contract by \$2,304,608.30. Amendment No. 2 was approved by the Board on October 20, 2020 (R2020-1607) increasing the amount of the contract by \$3,196,990.03. Amendment No. 3 was approved by the Board on May 4, 2021 (R2021-0576) exercising the first one (1) year renewal option for the continuation of services provided under this agreement. Amendment No. 4 was approved by the Board on June 15, 2021 (R2021-0844) increasing the amount of the contract by \$2,644,110.87. Amendment No. 5 was approved by the Board on March 22, 2022 (R2022-0263) increasing the amount of the contract by \$1,325,943.87 and exercising the second and final one year renewal option. Amendment No. 6 was approved by the Board on January 24, 2023 (R2023-0103) increasing the amount of the contract by \$1,175,706.57. Amendment No. 7, approved by the Board on April 4, 2023 provided an additional \$1,109,482.80. Approval of Amendment 8 will provide an additional \$1,106,284.38 to complete Task I Services - Concourse B & C PC Air Construction Administration; Elevator Modernization - Design, Bidding, and Award Services; and FIS and Building 846 Storm Resiliency Modifications Package 3 - Bidding, Award, and Construction Administration Services. RS&H, Inc. is a Jacksonville, Florida based firm; however, the majority of the work to be completed in this agreement will be managed through their Fort Lauderdale, Florida offices in conjunction with several Palm Beach County-based and South Florida-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. RS&H, Inc. committed to 23% DBE participation for this agreement. The anticipated DBE participation including this amendment is 38.01%. The current paid to date DBE participation is 37.64%. The DBE participation for this Amendment is 22.05%. 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)

5. REGULAR AGENDA

C. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve:

A) A Budget Transfer of \$850,000 in the General Fund from Contingency Reserves to the Information Technology Capital Improvements Fund; and

B) A Budget Amendment of \$850,000 in the Information Technology Capital Improvements Fund to recognize the transfer and appropriate it to the CGI Upgrade Project.

SUMMARY: Staff is requesting approval of a Budget Transfer and Budget Amendment to allocate funding for an upgrade to all CGI Software (Advantage Financial, Performance Budgeting, and Vendor Self Service). The amendment to the existing master agreement is being processed by the Purchasing Department. The full cost of the upgrade for all three software packages is \$1,254,150. In addition to the funds from contingency reserves two legacy CGI projects will be consolidated into the new CGI Upgrade project. Countywide (DB)

D. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida (the "Authority"), Multifamily Housing Revenue Bonds for Coleman Park Renaissance, in the principal amount of \$12,000,000 (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 43 units to be known as Coleman Park Renaissance (the "Project"). Total Project costs are \$19,156,272. The Project will be located at the following addresses in the City of West Palm Beach, Florida:

- 918 22nd Street
- 2212 N. Tamarind Ave.
- 933 21st St.
- 1004 19th St.
- 1977 N. Tamarind Ave.
- 1945 N. Tamarind Ave.
- 1002 Grant St.
- 1001 State St.
- 1940 N. Tamarind Ave.
- 1980 N. Tamarind Ave.
- 910 19th St

5. REGULAR AGENDA

D. **HOUSING AND ECONOMIC DEVELOPMENT (cont'd.)**

1. **SUMMARY (cont'd.)** The Authority will require that at least 40% of these units be rented to qualified persons and families whose household incomes do not exceed 60% of area median income (\$55,200 for a family of four). In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is CP Renaissance, LLC, a Florida limited liability company, or an affiliate thereof (the "Borrower"), and the developer is Neighborhood Renaissance, Inc. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive, P.A. is Bond Counsel to the Authority with respect to the Bonds. Raymond James & Associates, Inc. will be the underwriter or placement agent for the Bonds. The Resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 7 (HJF)

5. REGULAR AGENDA

D. 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 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Everglades Townhomes, by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") in the principal amount of \$14,000,000 (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 60 units to be known as Everglades Townhomes (the "Project"). The total Project costs is \$19,163,097. The Project will be located at 200 S. Barfield Highway in the City of Pahokee, Florida. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose household incomes do not exceed 60% of area median income (\$55,200 for a family of four). The Borrower (as defined below) has agreed that the Project will have a fifty (50) year affordability period. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the household incomes of which will not exceed 60% of area median income. The Borrower is Everglades Townhomes LP, a Florida limited partnership, or an affiliate thereof (the "Borrower"), and the developer is Oikos Development Corporation. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive P.A. is Bond Counsel to the Authority with respect to the Bonds, and Stifel, Nicolaus & Company, Incorporated will be the underwriter or placement agent for the Bonds. The Resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 6 (HJF)

5. REGULAR AGENDA

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

3. Staff recommends motions to approve:

- A) a waiver of the statutory requirement, by a majority vote plus one, that one of the two public hearings to be held on June 13, 2023 and July 11, 2023, be held after 5:00 p.m., to consider the designation of a parcel located at 8760 Atlantic Avenue, in unincorporated Palm Beach County, Florida, further identified by Parcel Control Number 00-42-46-20-01-000-0130 (the "Subject Property"), as a Brownfield Area pursuant to Section 376.80(2)(c), Florida Statutes; and
- B) the advertising of public hearings on Tuesday, June 13, 2023 at 9:30 a.m. and Tuesday, July 11, 2023 at 9:30 a.m. to consider the designation of the Subject Property as a Brownfield Area pursuant to Section 376.80(2)(c), Florida Statutes, which shall hereafter be known as the Former Southern Crop Services Green Reuse Area.

SUMMARY: On February 2, 2023, the owners of the property, PEBB Atlantic II and Socro, LLC, submitted a revised application to the Department of Housing and Economic Development to designate the Subject Property as a Brownfield Area. This designation requires two public hearings, one of which must be held after 5:00 p.m. per Section 125.66, Florida Statutes (cross-referenced in Section §376.80, Florida Statutes), unless the Board of County Commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The Subject Property was formerly operated as an airport for crop-dusting operations from the late 1940's until 1992, and is impacted by discharges of contaminants in soil including Dieldrin, Toxaphene, and Copper and in groundwater by alpha-BHC, beta-BHC, and Dieldrin. PEBB Atlantic II, LLC and Socro, LLC plans to develop the Subject Property as a commercial development. The rezoning of the 9.89 acre site was approved by the Board of County Commissioners at the November 28, 2022 BCC Zoning Hearing via Resolution 2022-1420, concurrent with a future land use amendment, to allow for the development of 107,800 square feet of commercial uses including retail, car wash and a self-storage facility. The approved Preliminary Site Plan indicates; four one-story buildings comprised of one retail building, two self-storage buildings, and a car wash facility. Prior to redevelopment, PEBB Atlantic II and Socro, LLC is seeking a "Brownfield Area" designation under Florida's Brownfields Redevelopment Act. The applicant indicates that the proposed development will create no fewer than 30 permanent, full-time equivalent jobs when fully developed, which exceeds the minimum job creation threshold of five jobs. **No County funds for implementation are required. This item requires a supermajority vote (5 votes).** District 5 (DB)

5. REGULAR AGENDA

E. PALM TRAN

1. Staff recommends motion to:

A) approve an emergency contract with MV Transportation, Inc., and MV Contract Transportation, Inc. (MV Transportation) for “Go Glades” Mobility on Demand (MOD) Service with a not to exceed amount of \$1,577,730 for the period of January 1, 2023 through December 31, 2023; and

B) approve a Budget Transfer of \$254,313 from Palm Tran Operating Reserves to Contractual Services; to align budget to new Go Glades emergency contract rates.

SUMMARY: Since December 2018, Go Glades has supplemented the fixed route service of Routes 40 and 47 in the Glades Region. Over the past four years as a pilot program, Go Glades has experienced an evolution from a Flex Route circulator to a complete MOD service, covering the entire Glades region. Most recently, at the BCC Workshop held on September 30, 2022, the Board of County Commissioners (BCC) moved the Go Glades service from a pilot state to an official new mode in Palm Tran’s operating profile. Further, after reviewing staff information at the BCC Workshop comparing costs of operating the service using contracted services versus bringing the service in-house, the Board directed staff to continue operating Go Glades as a MOD Service utilizing contracted services. This emergency contract will allow Palm Tran to implement the Board’s directive of continuing the Go Glades service, with no lapse in service to customers, with a retroactive start date of January 1, 2023. This contract will also provide Palm Tran the necessary time needed to develop a long term contract for the Go Glades service. MV Transportation’s actual vehicle hour (AVH) rate for variable costs will increase from \$46.00 to \$47.81. The increase in AVH is primarily the result of starting driver wages increasing from \$16.50 to \$17.20, which is also in the agencies labor agreement between the Amalgamated Transit Union (ATU) Local 1577 and MV Transportation Inc. This slight adjustment in the hourly rate will make MV Transportation Inc. more competitive in attracting and retaining drivers. This contract will not result in an increase in the transfer from the General Fund to Palm Tran. **The cost of the Go Glades service is included in Palm Tran’s FY2023 budget.** Countywide (MM)

APRIL 18, 2023

5. REGULAR AGENDA

E. PALM TRAN

2. Staff recommends motion to:

- A) **approve** an emergency contract with MV Transportation, Inc., and MV Contract Transportation, Inc. (MV Transportation) with a not to exceed amount of \$21,711,000, for the period of January 1, 2023 through December 31, 2023, for the provision of Paratransit service (Run Package A);
- B) **approve** an emergency contract with First Transit, Inc. a subsidiary of Transdev North America, Inc. (First Transit), with a not to exceed amount of \$27,100,000 for the period of January 1, 2023 through December 31, 2023, for the provision of Paratransit service (Run Package B); and
- C) **approve** a Budget Transfer of \$9,527,077 from Palm Tran Operating Reserves to Contractual Services; to align budget to new Paratransit emergency contract rates.

5. REGULAR AGENDA

E. PALM TRAN (cont'd.)

2. **SUMMARY:** As a result of economic pressure created by the Covid-19 pandemic, operating and labor costs have risen due to an increase in market conditions. First Transit's actual vehicle hour (AVH) rate for variable costs will increase from \$43.82 to \$47.81. The increase in AVH is primarily the result of starting driver wages increasing from \$16.00 to \$16.50, which is also ratified in the labor agreement between the Amalgamated Transit Union (ATU) Local 1577 and First Transit. This slight adjustment in the hourly rate will make First Transit more competitive in attracting and retaining drivers. The annualized fixed cost for this emergency contract, which includes the provider's operational facility and administrative cost, is \$2,562,069. At the request of Palm Tran, First Transit has agreed to include Transportation Network Companies (TNC's) Lyft and Uzurv as subcontractors, to address driver shortage issues, federal minimum requirements for On-Time Performance and to assess potential operational saving opportunities. The not to exceed amount will be \$27,100,000 over the life of the contract from January 1, 2023 through December 31, 2023. MV Transportation's actual vehicle hour (AVH) rate for variable costs will increase from \$46.00 to \$47.81. The increase in AVH is primarily the result of starting driver wages increasing from \$16.50 to \$17.20, which is also ratified in the labor agreement between the Amalgamated Transit Union (ATU) Local 1577 and MV Transportation. This slight adjustment in the hourly rate will make MV Transportation more competitive in attracting and retaining drivers. The annualized fixed cost for this emergency contract, which includes the provider's operational facility and administrative costs, is \$3,700,807 The not to exceed amount will be \$21,711,000 over the life of the contract from January 1, 2023 through December 31, 2023. These contracts will not result in an increase to the transfer from the General Fund to Palm Tran **and are included in Palm Tran's FY2023 budget** with a retroactive start date of January 1, 2023. This emergency contract to extend the existing paratransit contracts with First Transit and MV Transportation is necessary to maintain these critical paratransit services as a result of two (2) unsuccessful solicitations to establish new long-term contracts. Solicitation RFP No. F-22-019/LI for paratransit services was initially advertised on January 12, 2022 and cancelled on April 27, 2022. A second solicitation; RFP No. F-22-019R/LI was advertised on June 3, 2022, and cancelled on August 12, 2022. Both solicitations were cancelled due to non-responsiveness from prospective vendors. Palm Tran staff is working closely with the Palm Beach County Purchasing Department to prepare a new long-term RFP which is anticipated to be advertised in the Summer of 2023 and awarded before the expiration of this emergency extension. Countywide (MM)

5. REGULAR AGENDA

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AUTHORIZING THE ISSUANCE OF A SERIES OF BONDS IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$57,000,000 AND DESIGNATED PALM BEACH, COUNTY, FLORIDA, PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2023C (THE 'BONDS') TO FINANCE CERTAIN PUBLIC IMPROVEMENTS DESCRIBED IN THIS RESOLUTION; AUTHORIZING THE PUBLIC SALE OF THE BONDS BY COMPETITIVE BID SUBJECT TO CERTAIN PARAMETERS SET FORTH IN THIS RESOLUTION; APPROVING THE FORMS OF AN OFFICIAL NOTICE OF SALE AND OFFICIAL BID FORM AND AUTHORIZING THE PUBLICATION OF A SUMMARY THEREOF; APPROVING THE FORM AND ELECTRONIC DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE DIRECTOR OF FINANCIAL MANAGEMENT, THE DEBT MANAGER, THE COUNTY ADMINISTRATOR OR OTHER COUNTY OFFICIALS TO MAKE CERTAIN DETERMINATIONS WITH RESPECT TO THE BONDS SUBJECT TO THE PARAMETERS SET FORTH IN THIS RESOLUTION; APPOINTING A PAYING AGENT AND REGISTRAR; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT AND REGISTRAR AGREEMENT; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; PROVIDING FOR THE UNDERTAKING BY THE COUNTY REQUIRED BY RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; PROVIDING FOR THE TERMS AND PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE OWNERS THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **SUMMARY:** As presented at the Board of County Commissioners' Workshop on February 28, 2023, staff has identified the need for the acquisition, design, construction, development and equipping of various County facilities. These projects include the Medical Examiner's Office Expansion, Mosquito Control Redevelopment, as well as Generators and Exterior Hardening at critical County facilities. These bonds will be issued at a not to exceed amount of \$57 million on a competitive basis. The debt service payments are secured by a pledge of certain non-ad valorem revenues deposited in the debt service fund created under the resolution. Countywide (DB)

5. REGULAR AGENDA

G. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a guardrail continuing services construction contract with Southeast Highway Guardrail & Attenuators, LLC (SHG) in an amount not to exceed \$1,500,000 that will be in effect for 18 months from the date of approval by the Board of County Commissioners (BCC) with an option to renew for a total of 36 months. **SUMMARY:** Approval of this contract will authorize the services necessary to maintain and install guardrail on an as needed basis throughout Palm Beach County (County). The contract was presented to the Goal Setting Committee (GSC) on July 6, 2022. The GSC applied an Affirmative Procurement Initiative of a Small Business Enterprise (SBE) price preference. SHG did not agree to any SBE participation. Bids for the contract were received by the Engineering Department on September 20, 2022. The recommended award of this contract to both Florida Roadway Signs, Inc. and SHG was protested by SHG, who then became the sole recommended awardee after the protest period. SHG agreed to extend the execution date for the contract. SHG is the lowest responsive responsible bidder of two bidders. This contract includes recently updated contract language so that the Engineering Department (EPW) contract can remain consistent with the Florida Department of Transportation (FDOT) contract specifications. These FDOT specifications are the basis for, and are incorporated into the EPW construction contracts. EPW contract specifications have historically included a price adjustment clause for bituminous material (e.g. asphalt). Due to market volatility, FDOT expanded their price adjustment clause to include additional materials such as steel, aluminum, PVC, copper and diesel fuel. EPW agreed with these changes and added the same additional materials to EPW contracts as well. Since these items are not used heavily on each of the EPW contracts, EPW expects the additional costs to the County to be minimal, and in some cases, result in a credit to the County when a material price index falls after bids are received. Specifically, once a contractor bids for any of these additional items, that unit cost is set for the length of the contract. Once the contractor purchases an item eligible for price adjustment an adjustment will be calculated only if the applicable material price index for that month varies by more than 5% from what it was at the time of bidding. This adjustment would be in the County's favor if the index fell, and in the contractor's favor if it rose. For this particular contract, the steel index has decreased since SHG bid and could result in a credit back to the County. This contract will be in effect for 18 months from the date of approval by the BCC with an option to renew for a total of 36 months. SHG has an office located in the County. Countywide (YBH)

5. REGULAR AGENDA

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to authorize: Staff to negotiate the acquisition, from Leonidas Alfaro (Seller), of approximately 3.3 acres of undeveloped land located on Belvedere Road, immediately adjacent to the County's Animal Care and Control Facility. **SUMMARY:** The County's Department of Public Safety has a 14.05-acre Animal Care and Control Facility (ACC) located at 7100 Belvedere Road in unincorporated Palm Beach County. A component of services delivered at ACC is the care and custody of large animals such as cows, horses and other livestock. Currently, this is accommodated on pasture land located at the extreme south end of the ACC. Improvements necessitated by the upcoming facility renovation are anticipated to encroach upon the pasture area, thereby leaving less land to support service delivery into the future. The ACC has no other dedicated property or facility to render this service. Although the additional acreage is not immediately necessary to sustain ACC operations, staff sees the ability to acquire the abutting 3.3 acres of land as a rare opportunity that would afford a possible solution to this emerging constraint and otherwise provide flexibility and reduce the impact on operations for the impending renovation project as well as allow for future operational growth. Staff became aware of this opportunity when Seller openly advertised the subject property, and in coordination with Seller, proceeded to secure two appraisals in order to inform a potential recommendation to the Board of County Commissioners (Board). The subject property is listed for \$4,700,000. As this is not a planned expansion/project, budget for the same has not been approved. If the Board authorizes staff to negotiate acquisition of the subject property, the same would be funded from County Reserves. If negotiations prove successful, staff will bring back at a later time for Board's approval an Agreement for Purchase and Sale to purchase the 3.3 acres. (Property & Real Estate Management) District 2 (HJF)

APRIL 18, 2023

5. REGULAR AGENDA

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

2. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of a 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Diane Michalski and Edmund Michalski, Jr. for \$20,150 plus closing, title insurance and recording costs estimated to be \$515;
- B) a Memorandum of Agreement with Diane Michalski and Edmund Michalski, Jr. to be recorded in the public records to provide notice of this Agreement;
- C) an Agreement for Purchase and Sale of a 1.2 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Wayne Witt, Jr. and Traci McQuiston for \$18,600 plus closing, title insurance and recording costs estimated to be \$500;
- D) a Memorandum of Agreement with Wayne Witt, Jr. and Traci McQuiston to be recorded in the public records to provide notice of this Agreement;
- E) an Agreement for Purchase and Sale of a 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Steven Delawar and Dana Delawar for \$20,150 plus closing, title insurance and recording costs estimated to be \$515; and
- F) a Memorandum of Agreement with Steven Delawar and Dana Delawar to be recorded in the public records to provide notice of the Agreement.

5. REGULAR AGENDA

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

2. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcels owned by Diane Michalski and Edmund Michalski, Jr.(Michalski parcel), Wayne Witt, Jr. and Traci McQuiston (Witt/McQuiston parcel), and Steven Delawar and Dana Delawar (Delawar parcel) are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Palm Beach Heights is an old, non-confirming subdivision and, as described in the County's "Report on Lack of Development Potential of Palm Beach Heights Parcels – April 2017," the subject parcels cannot meet current land development regulations and are therefore, unbuildable. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offers. The Agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premiums, closing and recording costs estimated to be \$515 for the Michalski parcel, \$500 for the Witt/McQuiston parcel and \$515 for the Delawar parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for any of the parcels due to their remote locations. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the American Rescue Plan Act of 2021 (ARPA) Response Replacement Fund. These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). (Property & Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

I. COMMUNITY SERVICES

1. Staff recommends motion to receive and file: a Community Services Department presentation. **SUMMARY:** Community Services staff will present an overview of the Department's mission to promote independence and enhance the quality of life in Palm Beach County by providing effective and essential services to residents in need. The Department focuses on a variety of initiatives including support for individuals and families experiencing homelessness, individuals with disabilities, seniors, veterans, farmworkers, individuals living with Human Immunodeficiency Virus, and individuals experiencing poverty. Community Services provides funding support for agencies and direct services to residents in need. Some of the services include shelter support for the homeless, rental and utility assistance, workforce development and job placement programs, behavioral health and substance use disorder recovery support, and case management services that promote financial independence, stability, and improved quality of life for more than 60,000 residents who are served annually. (Community Services Department) Countywide (HH)

2. Staff requests direction on: continuation, modification or suspension of County-operated and contracted Low-Income Home Energy Assistance Program (LIHEAP), Low-Income Household Water Assistance Program (LIHWAP), and Community Services Block Grant (CSBG) Programs due to the Florida Department of Economic Opportunity (FDEO) reaching its state legislative budget appropriation authority limit for fiscal year 2022-2023. **SUMMARY:** On June 15, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Federally Funded Subgrant Umbrella Agreement #E2016 (R2021-0783) with the FDEO, for the period of October 1, 2020 through September 30, 2023, for the LIHEAP, LIHWAP, and CSBG programs. Under the terms of the new umbrella agreement, FDEO issues a Notice of Funding Availability (NFA) for each program award. The total funding award for each program under this agreement is:
 - LIHEAP- \$14,880,072;
 - LIHWAP- \$5,053,983;
 - CSBG- \$1,094,998.

5. REGULAR AGENDA

I. COMMUNITY SERVICES (cont'd.)

2. **SUMMARY (cont'd.)** On April 7, 2023, FDEO sent a notice stating that the spending demand for LIHEAP, LIHWAP, and CSBG programs exceeded budget authority. Therefore, it has requested that all outstanding invoices for the above-mentioned federally funded programs be submitted by Friday, April 13, 2023. The Community Services Department (CSD) submitted a reimbursement request of \$1,006,874 for direct client assistance, for March on April 13, 2023. An additional \$711,608 is needed to cover encumbered direct client assistance, and \$275,000 for staff salaries, for a total of \$986,608. Finally, an additional \$2,750,000 from reserves will be required to provide the current level of direct client services or \$800,000 will be required to provide a modified level of direct client assistance, until June 30, 2023. For the time being, staff in the affected programs will be assigned to other direct client assistance programs. No information has been received from FDEO as to the likelihood of reimbursement of funds expended during the budget lapse and the projected date of resolution is unknown. Based on board direction, CSD may bring additional agenda items to the BCC to amend the budget. (Community Action Program) Countywide (HH)

J. COUNTY ATTORNEY

1. Staff recommends a motion to:

- a) **adopt** a Resolution declaring an immediate danger to the health, safety or welfare of the public in Palm Beach County ("County") that requires immediate action, and that the County's significant legal rights will be compromised if it is required to exhaust the intergovernmental conflict resolution procedures with Florida PACE Funding Agency ("FPFA"), before initiating court proceedings; and
- b) **direct staff** to initiate litigation to resolve the County's conflict with FPFA regarding its alleged independent authority to administer its PACE program in the County, without the Board of County Commissioners' ("Board") authorization under the County's PACE Ordinance.

5. REGULAR AGENDA

J. COUNTY ATTORNEY (cont'd.)

1. **SUMMARY:** On January 3, 2023, FPFA terminated the Interlocal Agreement with the County that authorized its operation in the County, pursuant to the County's PACE Ordinance. Since then FPFA has continued to operate in the County based on a Leon County Circuit Court Order from a bond validation proceeding where the court granted FPFA "independent statewide authority". FPFA's current operations in the County without an Interlocal Agreement violates the PACE Ordinance, and its purported independent statewide authority derived from a Leon County Circuit Court's Order is not binding on the County. Furthermore, the Order is invalid as it goes beyond the statutory scope of a bond validation ruling and violates the County's procedural and substantive due process rights. Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act, requires the use of the conflict resolution process to resolve conflicts between governmental entities before commencing court proceedings. However, the statute also provides that the conflict resolution process is not required if a government entity, by a three-fourths vote of its governing body, finds that an immediate danger to the health, safety or welfare of the public requires immediate action, or that significant legal rights will be compromised if court proceedings are delayed until after the conflict resolution process. Staff recommends that the Board of County Commissioners finds, by a three-fourths vote, that an immediate danger to the health, safety or welfare of the public requires immediate action, and that the County's significant legal rights will be compromised if court proceedings are delayed until the County exhausts the intergovernmental conflict resolution procedures, and further, direct staff to file an emergency injunction and declaratory judgment action against FPFA. Countywide (DO)

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APRIL 18, 2023

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

APRIL 18, 2023

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

APRIL 18, 2023

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

Requesting approval for off-site Proclamation declaring April 28, 2023 as Annual Stand Against Racism Day. (Off-site date 4/28/2023)

APRIL 18, 2023

9. ADJOURNMENT

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