

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 22, 2023

| <u>PAGE</u> | <u>ITEM</u> | |
|-------------|-------------|--|
| 55 | 3H14 | DELETED FOR FURTHER STAFF REVIEW (FDO) |
| 109 | 6D1 | REVISED SUMMARY (HOUSING) / SUMMARY: On May 10, 2023, the Department of Housing and Economic Development (HED) issued Request for Proposals HED.2023.3 (RFP) making up to \$1,000,000 in Federal HOME funding available for a Local Government Area of Opportunity Funding (LGAOF) loan contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. Per FHFC rules, the LGAOF contribution may only be made to one (1) project. A selection committee consisting of three (3) voting members met at a public meeting held on July 6, 2023, and recommended funding of a \$1,000,000 loan to developer ND Flex, LLC, (an affiliate of McCurdy Senior Housing Corp. and The Rich Family Holdings, LLLP) for Waterview Apartments, an affordable rental development for the elderly to be located at the 4420 West Tiffany Drive in the Town of Mangonia Park. The project will consist of 438 <u>113</u> one-bedroom newly constructed apartments as follows: 24 <u>18</u> units for 30% of Area Median Income (AMI), and 117 <u>46</u> units for 60% AMI, <u>27</u> units for 80% AMI, and <u>22</u> market rate units. The project will include 51 HOME-assisted units, <u>including 11 units of which will be set aside for 30% AMI and 40 units for 60% AMI.</u> The County funding contribution equates to \$19,608 per HOME-assisted unit. The HOME-assisted units will remain affordable for no less than 50 years. The total cost of development is \$47.2 <u>\$42.3</u> million. The HOME award is contingent on FHFC approval of 9% Housing Credits for Waterview Apartments, which will provide an estimated \$35 <u>26.6</u> million in tax credit equity toward the project. If the 9% Housing Credits are not approved by FHFC, the HOME award to ND Flex, LLC will be automatically cancelled and the HOME funds will be reprogrammed. The Loan Agreement and related documents pursuant to these HOME funds will be between the County and ND Flex, LLC (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator, or designee, to execute the Loan Agreement and related documents. <u>These are Federal HOME Program grant funds which require a 25% local match provided by State SHIP grant funds.</u> District 7 (HJF) |

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| <u>PAGE</u> | <u>ITEM</u> | |
|-------------|-------------|---|
| 111 | 6E1 | <p>REVISED MOTION / TITLE / SUMMARY (ERM) / Staff recommends motion to:</p> <p>A) adopt a Resolution amending Resolution R89-576, which created the Pollution Recovery Trust Fund (PRTF), to establish procedures for separation, distribution, and responsibility of collecting fees for the PRTF; and</p> <p>B) approve a Budget Transfer of \$21,588 from the PRTF 4227 to reserve account (3171) in the amount of \$17,271 for to the Department of Environmental Resources Management (ERM) <u>PRTF reserves</u>, and to reserve account (3170) in the amount of \$4,317 for to the Florida Department of Health in Palm Beach County (DOH) <u>PRTF reserves</u>.</p> <p>SUMMARY: On April 4, 1989, the Board of County Commissioners (BCC) adopted Resolution R89-576 establishing the Palm Beach County (PBC) PRTF, a local fund to deposit monies collected by ERM and DOH through various enforcement actions to enhance PBC's environmental resources and pollution control activities. The PRTF is to be kept and maintained in trust by the BCC. The BCC receives and considers recommendations to disburse PRTF funds for projects proposed by the Director of ERM and the Director of DOH. Currently, both Directors must sign off on every PRTF disbursement request, even when the disbursement is for a project under one of the entities. This Resolution will establish procedures for separation, distribution and responsibility of collection of fees for the PRTF to avoid requiring both Departments to sign off on every disbursement. Funds collected pursuant to consent agreements entered into by the ERM Director, and administrative penalties levied by the Groundwater and Natural Resources Protection Board (GNRPB) (ULDC Article 2, 14 and 15) for violations associated with county codes and ordinances, including Petroleum Storage Systems, Petroleum Contamination Cleanup Criteria, Wellfield Protection, Mining and Excavation, Storm Water Pollution Prevention, Sea Turtle Protection and Sand Preservation, and Vegetation Preservation and Protection will be deposited in the ERM <u>specific account within the PRTF, Fund 4227, Unit Code 3171</u>, and managed by the Director of ERM, or designee; and ERM will recommend disbursements of these funds to the BCC. Funds collected pursuant to consent agreements entered into by the DOH Director, and penalties levied by the Environmental Control Hearing Board (ECHB) (ULDC Article 2, 14 and 15) for violations due to noncompliance with septic tank, sewage and water, and air pollution program health regulations will be deposited in the <u>DOH specific account with the PRTF, Fund 4227, Unit Code 3170</u>, and managed by the Director of DOH, or designee; and DOH will recommend disbursements of these funds to the BCC. Moreover, this agenda item will transfer funds from the current remaining PRTF general reserves of \$21,588 to separate PRTF reserve accounts established specifically for ERM and DOH. Historically, ERM has contributed 80% of funds and DOH has contributed 20% of funds into the PRTF. Therefore, of the remaining \$21,588 in reserves, ERM's PRTF reserve account will receive \$17,271 (80%) and DOH's PRTF reserve account will receive \$4,317 (20%). There is no cost to the County. <u>Countywide (SS)</u></p> |

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 22, 2023

| <u>PAGE</u> | <u>ITEM</u> | |
|-------------------|-------------|---|
| 113 114 online | 6F1 | REVISED SUMMARY (RESILIENCE) / SUMMARY: The Office of Resilience, Engineering and Public Works, and Parks and Recreation Departments are collaborating on five FL Department of Environmental Protection Resilient Florida implementation grant applications. On July 11, 2023, the Board approved staff to work with a preapproved consultant for an amount not to exceed \$50,000 to prepare the technical reports and grant applications. This resolution will demonstrate Board support for providing 50% mandatory match of County funding totaling \$23,200,000 <u>\$20,310,000</u> upon awards , which increases grant application scoring. <u>Districts 1, 3, 4, 5, 7 (RM)</u> |
| 125 126 online | 6H9 | DELETED FOR FURTHER STAFF REVIEW (FDO) |
| 126 127 online | 6H10 | DELETED FOR FURTHER STAFF REVIEW (FDO) |

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

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

AUGUST 22, 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 16 - 100)

- 4. SPECIAL PRESENTATIONS** (Page 101)

- 5. PUBLIC HEARINGS - 9:30 A.M.** (Pages 102 - 106)

- 6. REGULAR AGENDA** (Pages 107 - 129)

- 7. BOARD APPOINTMENTS** (Page 130)

- 8. STAFF COMMENTS** (Page 131)

- 9. BCC COMMENTS** (Page 132)

- 10. ADJOURNMENT** (Page 133)

TABLE OF CONTENTS

CONSENT AGENDA

B. CLERK & COMPTROLLER

Page 16

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.

3B-5 List of Errors, Insolvencies, Double Assessments, Discounts and Value Adjustment Board Reductions on the 2022 Assessment Roll.

Page 17

3B-6 Annual Financial Reports for Fiscal Year ended September 30, 2022.

C. ENGINEERING & PUBLIC WORKS

Page 18

3C-1 Work Order 2021050-47 to mill and resurface Browns Farm Road with Ranger Construction.

Page 19

3C-2 Work Order EN053023-214 to the annual traffic signal contract with Gerelco Traffic Controls, Inc. to construct a mast arm at intersection of Lantern Drive / 47th Place and Lyons Road.

3C-3 Adopt two Resolutions for the construction of roadway improvements to extend Congress Avenue from Northlake Boulevard to Alternate A1A Project.

Page 20

3C-4 Adopt a Resolution declaring the acquisition of fee simple right-of-way for the construction of roadway improvements on Old Dixie Highway from Yamato Road to south of Linton Boulevard Project.

3C-5 Sovereignty Submerged Lands Easement Renewal from the Trustees of the Internal Improvement Trust Fund for submerged lands under the East Ocean Avenue Bridge over the Lake Worth Lagoon.

Page 21

3C-6 Engineering Services and Grant Support Professional Contracts with Kimley-Horn and Associates, Inc.; with CORE Engineering Group, LLC and with Calvin, Giordano & Associates, Inc.

Page 22

3C-7 Approve Work Order 2021050-57 to mill and resurface Flavor Pic Road with Ranger Construction Industries, Inc.

3C-8 Approve Consultant Service Authorization No. 5 with Mock, Roos & Associates, Inc. for the Seminole Colony Drainage Canal Replacement Project.

TABLE OF CONTENTS

CONSENT AGENDA

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

Page 23

3C-9 Approve Work Order 2021050-56 to mill and resurface Boca Rio Road with Ranger Construction Industries, Inc.

Page 24

3C-10 Approve contract with Rosso Site Development, Inc. for the construction of Seminole Boulevard and approve a Budget Amendment.

3C-11 Adopt two Resolutions declaring the acquisition of fee simple rights-of-way for the construction of sidewalk improvements for the Canal Point KE Cunningham Elementary School Project.

Page 25

3C-12 Approve Consultant Service Authorization No 4 with BCC Engineering, LLC for Seminole Boulevard from Oswego Avenue to Okeechobee Boulevard Project; and approve a Budget Amendment.

Page 26

3C-13 Adopt a Resolution for standard FDEP grant agreement for the Australian Avenue Drainage Improvement Project; Approve Agreement; Approve FDEP Build America, Buy America Act and Davis Bacon Act Acknowledgement; Approve American Rescue Plan Act's Coronavirus State and Local Fiscal Recovery Funds; Adopt a Resolution to delegate County Administrator or designee; and Approve Budget Amendment.

Page 27

3C-14 Approve Change Order No. 4 with MJC Land Development for Lyons Road to West Atlantic Avenue Project.

E. COMMUNITY SERVICES

Page 28

3E-1 Ratify the Mayor's signature on FY 2022 Audit Compliance Certification to certify Palm Beach County Community Services Department complied with audit requirements.

Page 29 -30

3E-2 Approve amendments to Subrecipient Agreements for Ryan White Program HIV/AIDS Part A for Health Support Services for: FoundCare, Inc., AIDS Healthcare Foundation, Inc., Monarch Health Services, Inc., Compass, Inc., Treasure Coast Health Council, Inc., and the Poverello Center, Inc.

Page 31

3E-3 Approve the appointment of four new members and one reappointment of one member to the HIV CARE Council.

TABLE OF CONTENTS

CONSENT AGENDA

E. COMMUNITY SERVICES (cont'd.)

Page 32

3E-4 Approve the contract with Feeding South Florida, Inc. to provide prepared meals and grocery boxes to seniors.

3E-5 Approve Agreement with Florida Atlantic University Board of Trustees for the provision of process and outcomes evaluation research services to PBC residents with substance use disorders.

Page 33

3E-6 Approve Subrecipient Agreement with Rebel Recovery Florida, Inc. for the Ending the HIV Epidemic for two years.

F. AIRPORTS

Page 34

3F-1 Access Agreement with Popstroke Holdings LLC providing access to lease parcel located at PBI.

3F-2 Registration for Distribution of Literature or Picketing at PBI issued to South Florida Public Witnessing, Inc.

Page 35

3F-3 Approve Change Order No. 3 with Alen Construction Group, Inc. with an extension; and approve a Budget Transfer.

3F-4 License Agreement with Chandler & Campbelle Investment Group LLC with automatic renewals on an annual basis for CCD parking at PBI.

Page 36

3F-5 Adopt a Resolution establishing a standard form First Amendment to Agreement for Rental Car Lease and Concession, and authorizing County Administrator or designee.

Page 37

3F-6 Amendment for Extension of the Public Transportation Grant Agreement with FDOT for the Golfview West Canal Relocation/Culvert at PBI.

Page 38

3F-7 Federal Aviation Administration Grant Agreement for design and construction services for the Wind Cone Relocation and Replacement at PBI; Approve contract with H.L. Pruitt Corp.; and Approve Budget Amendment.

3F-8 Consent to Sublease documents by Signature Flight Support LLC at PBI with Steven Shenouda/EMTAC.

TABLE OF CONTENTS

CONSENT AGENDA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 39

3G-1 Approve request by PBC Tax Collector to order the 2023 tax roll be extended prior to the Value Adjustment Board hearing; and direct VAB to certify the assessment roll.

3G-2 Fiscal Year 2023/2024 Proposed Budget for Children’s Services Council.

3G-3 Financial Statements for Fiscal Year ending September 30, 2022 from Delray Beach Community Redevelopment Agency.

3G-4 Quarter Ending 6/30/2023 information for Children’s Services Council of PBC.

Page 40

3G-5 Negotiated settlement of code enforcement lien entered on Robert M. Battista.

Page 41

3G-6 Negotiated settlement for the full satisfaction of code enforcement lien entered on Janusz and Urszula Nalepa.

3G-7 Approve Budget Transfer from School Impact Fee Zone 1 to School Impact Fee Zone 1.

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 42

3H-1 Approve Second Amendment with South Florida Water Management District exercising the first option to extend the term.

Page 43

3H-2 Adopt a Resolution authorizing a Lease Agreement with the North Palm Beach Rowing Club, Inc. to lease real property at Palm Beach County Bert Winters Park; and Approve a Lease Agreement with the NPBRC for a community rowing program for thirty years.

Page 44 -45

3H-3 Approve Amendment No. 2 to the Second Restated Sports Facility Use Agreement between PBC and Jupiter Stadium, Ltd., St. Louis Cardinals, LLC, and Marlins Teamco LLC.

Page 45

3H-4 Standard License Agreement for Use of County-Owned Property with Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc.; and with Trump International Golf Club, L.C.

TABLE OF CONTENTS

CONSENT AGENDA

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

Page 46

- 3H-5 Approve Work Order with Andrea Construction, Inc. for the Main County Courthouse 4th Floor – Flooring Replacement project.
- 3H-6 Approve Annual Contract with Dan Enterprises Team LLC for general minor construction services.

Page 47

- 3H-7 Approve Annual Contract with Southern Star Contractors Inc. for painting and weatherproofing services.

Page 49

- 3H-8 Approve Annual Contract with Allied Bean Demolition, Inc. for demolition services.

Page 50

- 3H-9 Approve Annual Contract with Unitec Inc. for low voltage services.

Page 51

- 3H-10 Approve six Annual Contracts with multiple contractors for Indoor Air Quality remediation services.

Page 52

- 3H-11 Site Access Agreement with FDEP for 2700 6th Avenue South, Lake Worth Beach facility; which has no fiscal impact on the County; for as long as necessary to assess, remove, monitor and remediate the contamination to the Property.

Page 53

- 3H-12 Approve an Amended and Restated Agreement with the South Florida Fair and Palm Beach County Expositions, Inc. for the use of the Fair's Expo Center West building for sheltering special needs during emergencies.

Page 54

- 3H-13 Approve the appointment of three to the Palm Beach County Property Review Committee.

~~Page 55~~

- ~~3H-14 Approve a Temporary Construction Easement Agreement in favor of Transit Village, LLC for the construction materials and equipment during the development and construction of the Transit Village Project.~~

Page 56

- 3H-15 Change Order No. 37 with James B. Pirtle Construction Company, Inc. for the PBSO's Forensic Sciences & Technology Facility Project.

TABLE OF CONTENTS

CONSENT AGENDA

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

Page 57

3H-16 Change Order, zero-dollar value, with Kaufman Lynn Construction, Inc. for the Canyon District Park Project.

Page 58

3H-17 Change Order with Kast Construction Company LLC for the Supervisor of Elections Production Facility Project.

Page 59

3H-18 Approve Consultant Services Authorization with Leo A. Daly Company for PBSO's Headquarters Renewal/Replacement/Renovation Project.

Page 60

3H-19 Approve a Third Amendment with NCQPCS MLPL 29-Year Sites Tower Holding LLC for the communication tower located at Fire Station No. 15 for updates and removal of equipment.

Page 61

3H-20 Approve Ninth Amendment to Communication Tower Joint Use Agreement with New Cingular Wireless PCS, LLC for communication tower located at Forest Hill Blvd./Turnpike for updates and replacement of equipment.

Page 62

3H-21 Approve US Army Corps of Engineers Consent to Easement to improve the existing boat ramp and replace the existing docks at Bert Winters Park.

Page 63

3H-22 Ratify the Mayor's signature on Roger Dean Chevrolet Stadium Renovation Project; and authorize Mayor.

Page 64

3H-23 Adopt a Resolution for an extension of the Concessionaire Lease Agreement with SW Hospitality Group LLC; and approve a Third Amendment to retroactively extend the term.

I. HOUSING AND ECONOMIC DEVELOPMENT

Page 65

3I-1 Approve the nomination of Robin Henderson as Chairperson of the Housing Finance Authority of Palm Beach County.

TABLE OF CONTENTS

CONSENT AGENDA

J. PLANNING, ZONING & BUILDING

Page 65

3J-1 Approve the appointment of one member and reappointment of one member to the Building Code Advisory Board.

Page 66

3J-2 Approve the appointment of one member and reappointment of two members to the Construction Board of Adjustments.

K. WATER UTILITIES

Page 67

3K-1 Approve Supplement 1 with Chen Moore and Associates, Inc. for the Torry Island Force Main Improvements.

3K-2 Approve an Easement Agreement granted by Cemex Construction Materials Florida, LLC to PBC on the property located in Belle Glade.

Page 68

3K-3 Approve Contract with Foster Marine Contractors, Inc. for the Lucerne Lakes Valves and Valve Replacement.

Page 69

3K-4 Approve Change Order with All Webbs Enterprises, Inc. for the Water Treatment Plants 2, 3, 8 and 9 System-Wide Wellfield Improvements Project Phase 2; and Supplement No. 1 with JLA Geosciences, Inc. for professional services and engineering design, etc.

Page 70

3K-5 Approve acceptance of Agreement with South Florida Water Management District for the Green Cay Wetlands 2 Indirect Potable Reuse Project; Authorize County Administrator and/or designee; and Approve a Budget Amendment.

Page 71

3K-6 Approve Supplement No. 2 with Cardinal Contractors, Inc. for the Water Treatment Plant No. 3 Project; and Approve a Budget Transfer.

Page 72

3K-7 Four executed Standard Potable Water and Wastewater Development Agreements with: Haverhill Three, LLC; R-Hearthstone Lot Option Pool 03, L.P.; West Atlantic Business Plaza IIA, LLC; and Pebb Atlantic II, LLC.

Page 73

3K-8 Approve Contract with Wharton-Smith, Inc. for the Western Region Wastewater Treatment Facility Operations Building Progressive Design-Building.

TABLE OF CONTENTS

CONSENT AGENDA

K. WATER UTILITIES (cont'd.)

Page 74

3K-9 Approve Consultant Services Authorization with Hazen and Sawyer, P.C. for the Southern Region SRWRF Process Improvements Detailed Design Services Project.

Page 75

3K-10 Approve Consultant Services Authorization with C Solutions, Inc. for engineering services during construction for Kings Point Flanders and Capri Water Main Replacement Project.

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 76

3L-1 Amendment No. 1 to FDEP Agreement for reimbursement of the South Jupiter Feasibility Study.

3L-2 Task Assignment Change Order with FWC to decrease funding allocation.

Page 77

3L-3 Amendment No. 1 with FWC for the Tarpon Cove Estuarine Habitat Restoration Project.

Page 78

3L-4 Approve Contract with Lake Worth Lagoon Environmental Defense Fund, Inc. to provide services; Adopt a Resolution for disbursement; Approve a Budget Transfer; and Authorize County Administrator and/or designee.

Page 79

3L-5 Approve Consultant Services Authorization with Coastal Protection Engineering LLC to provide design and permitting services for the Ocean Ridge Shore Protection Project V.

3L-6 Approve Change Order No. 3 with Arbor Tree & Land, Inc. to extend the contract.

M. PARKS & RECREATION

Page 80

3M-1 Approve a First Amendment to Lease Agreement with YMCA of the Palm Beaches, Inc. for lease of real property in Lake Lytal Park.

3M-2 Special Events Rental Agreements with Full-A-Vybez, Inc. for the Florida Jerk Festival; and Sportera Events USA, Inc. for the MUDGIRL Run Palm Beach.

P. COOPERATIVE EXTENSION SERVICE

Page 81

3P-1 Accept a donation from the Friends of the Mounts Botanical Garden, Inc. to fund the costs associated with the traveling art exhibit sculptures, and approve a Budget Amendment.

TABLE OF CONTENTS

CONSENT AGENDA

Q. CRIMINAL JUSTICE COMMISSION

Page 82

3Q-1 Approve appointment of one member to the Criminal Justice Commission.

S. FIRE RESCUE

Page 82

3S-1 Authorize the Mayor to execute the Certificate to Non-Ad Valorem Assessment Roll forms.

T. HEALTH DEPARTMENT

Page 83

3T-1 Adopt a Resolution authorizing the Department of Health to utilize funds from the Pollution Recovery Trust Fund to install a redundant auxiliary power source for the certified water laboratory; and Approve a Budget Transfer.

3T-2 Adopt a Resolution adopting the FY2023/2024 budget for the Air Pollution Control Program.

U. INFORMATION SYSTEMS SERVICES

Page 84

3U-1 Approve a First Amendment to the Master Agreement with Comcast revising some terms and conditions.

X. PUBLIC SAFETY

Page 84

3X-1 Approve First Amendment with Veterinary Emergency Group, LLC for relief veterinary services; and increasing their contract amount.

Page 85

3X-2 Notice of Contract Termination with Child Protection Team of Palm Beach, Inc.; and Approve a contract with Camelot Community Care, Inc.; to provide services for children 0-17 years of age.

Page 86

3X-3 Approve a contract with Humane Society of Greater Jupiter/Tequesta, Inc. for spaying/neutering services.

3X-4 Approve a contract with Barky Pines Animal Rescue & Sanctuary, Inc. for spaying/neutering services.

Page 87

3X-5 Ratify the Mayor's signature on the Sexual Assault Services Formula Grant Program application.

TABLE OF CONTENTS

CONSENT AGENDA

AA. PALM TRAN

Page 88

3AA-1 Adopt a Resolution approving a Standard Grant Agreement with FDEP; and Approve FY23 Budget Amendment.

Page 89

3AA-2 Adopt a Resolution approving the Federal Transit Administration mandated Annual Update for the Public Transit Agency Safety Plan for Palm Tran, Inc.

Page 90

3AA-3 Approve a one year extension to the Term of Agreement with FDOT that provides operating assistance; and Approve the execution and submittal of the Amendment requesting an extension.

3AA-4 Amendment for Extension of Public Transportation Grant Agreement with FDOT to extend the term.

CC. TOURIST DEVELOPMENT COUNCIL

Page 91

3CC-1 Three fully executed Grant Agreements managed by PBC Sports Commission, Inc. with Prospect Wire 2, LLC; Florida State Golf Association, Inc.; and Prospect Select Baseball, Inc.

Page 92

3CC-2 Grant Agreement with PBC Sports Commission, Inc. for the promotion of the NCAA Division I Women's Golf Regional Championship.

3CC-3 Grant Agreements with PBC Sports Commission, Inc. with Spartan Race, Inc. and Foster Events Group, LLC.

DD. OFFICE OF EQUAL BUSINESS OPPORTUNITY

Page 93

3DD-1 Approve the appointment and reappointment of members to the Equal Business Opportunity Advisory Committee.

Page 94

3DD-2 Payment for the participation in the 17th Annual Palm Beach Partners Business Matchmaker Conference & Expo.

TABLE OF CONTENTS

CONSENT AGENDA

EE. SHERIFF

Page 94

3EE-1 Accept a Memorandum of Agreement with the City of Miami for the UASI Grant, and Approve a Budget Amendment.

Page 95

3EE-2 Accept a contract with State of Florida Department of Children and Families for a STOP VAWA Formula Grant Program; and Approve a Budget Amendment.

Page 96

3EE-3 FDLE Quarterly Disbursements and Approve a Budget Amendment.

3EE-4 Accept a Letter of Donation from the Palm Beach County Police Athletic League, Inc.; and Approve a Budget Amendment.

Page 97

3EE-5 Modification #3 to the FY21 UASI Memorandum of Agreement with the City of Miami to extend the grant period.

Page 98 - 99

3EE-6 Approve a Budget Transfer from the Law Enforcement Trust Fund.

FF. WESTGATE/BELVEDERE HOMES CRA

Page 100

3FF-1 Approve nomination for two members for Westgate/Belvedere Homes Community Redevelopment Agency Board Officers.

3FF-2 Approve the appointment of two members to the Westgate/CRA Board.

SPECIAL PRESENTATIONS

Page 101

4A Florida Water Professional Month

4B National Council on Compensation Insurance 100th Anniversary

4C LIHEAP Awareness Month

4D Sophia Wisdom Day

4E Palm Beach Partners Business Matchmaker Conference

4F Together for Sharon Month

TABLE OF CONTENTS

PUBLIC HEARINGS – 9:30 A.M.

A. ENGINEERING & PUBLIC WORKS

Page 102

5A-1 Adopt an Ordinance amending the Five Year Road Program.

B. COUNTY ATTORNEY

Page 103

5B-1 Permission to advertise and reading to repeal Ordinance related to Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance.

C. PALM TRAN

Page 104 - 105

5C-1 Approve the Program of Projects and Grant Application from FTA; Approve the filing of standard form for Disclosure of Lobbying Activities; Approve Authorization of County Administrator and/or designee; Approve Budget Transfers and Approve an upward Budget Amendment.

REGULAR AGENDA

A. ENGINEERING & PUBLIC WORKS

Page 106

6A-1 Approve the Irrevocable Letter of Direction with Municipal Contractors, Inc. for several projects.

B. LIBRARY

Page 107

6B-1 Approve PBC Library's FY2024-FY2028 Strategic Plan and FY2024 Action Plan.

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 108

6C-1 Approve the negotiated settlement for the full satisfaction of two code enforcement liens entered on Top Cut Lawn Services North, LLC.

D. HOUSING AND ECONOMIC DEVELOPMENT

Page 109

6D-1 Approve HOME Investment Partnerships Program; Direct staff on Loan Agreement; and Authorize County Administrator and/or designee.

Page 110

6D-2 Approve a waiver of statutory requirement on public hearings on parcels in the Brownfield Area; and Approve advertising of public hearings to consider designation of the Brownfield Area.

TABLE OF CONTENTS

REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 111 - 112

6E-1 Adopt a Resolution to establish procedures for separation, distribution, and responsibility of collecting fees for the Pollution Recovery Trust Fund; and Approve a Budget Transfer.

F. OFFICE OF RESILIENCE

Page 113 - 114

6F-1 Adopt a Resolution to approve the grant application for Prosperity Farms Road Bridge Project; County Club Acres Subdivision Drainage Improvement Project; Englewood Estates/Manor Subdivision Drainage Improvement Project; Australian Avenue Project; and Ocean Inlet Park Resiliency Improvements.

G. COMMUNITY SERVICES

Page 114

6G-1 Adopt a Resolution creating the Palm Beach County Veteran Services Advisory Board.

F. FACILITIES DEVELOPMENT & OPERATIONS

Page 115

6H-1 Adopt a Resolution authorizing an extension of Lease Agreement with Pero Family Farms, LLC for McMurrain parcel, and Approve First Amendment.

Page 116

6H-2 Adopt a Resolution authorizing an extension of Lease Agreement with Pero Family Farms, LLC for York parcel, and Approve First Amendment.

Page 117

6H-3 Approve a Budget Transfer; a Budget Amendment; an Agreement for Purchase and Sale with Leonidas Alfaro for three parcels and Approve Memorandum of Agreement.

Page 118

6H-4 Adopt a Resolution authorizing one year Lease Agreement with the City of West Palm Beach for parking spaces on County-owned property; and Approve Lease Agreement with the City of West Palm Beach.

Page 119

6H-5 Adopt a Resolution authorizing the conveyance of a vacant County-owned property to the Lake Worth Beach Community Redevelopment Agency; and Approve County Deed.

Page 120 - 121

6H-6 Approve a Budget Transfer and a Budget Amendment related to the SOE Warehouse facility.

TABLE OF CONTENTS

REGULAR AGENDA

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

Page 122

6H-7 Request to deny approval of the Revival of the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements affecting County-owned real property at 13515 Caloosa Blvd.

Page 123 - 125

6H-8 Approve a Budget Transfer for PBSO Substation and Marine Unit Project; General Fund Contingency Reserves; a Budget Amendment for PBSO Substation and Marine Unit Project.

~~Page 126~~

~~6H-9 Approve a revised County Deed in favor of Transit Village, LLC.~~

Page 127

6H-10 Approve 6± acre property declaring as surplus, and Authorize staff to request for proposals to dispose of the property for development of affordable and/or workforce housing.

I. WESTGATE/BELVEDERE HOMES CRA

Page 128

6I-1 Adopt a Resolution approving Westgate/Belvedere Homes Community Redevelopment Agency's Fiscal Year 2024 Budget.

J. AIRPORTS

Page 128 - 129

6J-1 Approve a Development Site Lease Agreement with PopStroke West Palm Beach, LLC for the development of an indoor/outdoor golf-related entertainment and dining facility; and Authorize Director or designee.

BOARD APPOINTMENTS (Page 130)

STAFF COMMENTS (Page 131)

COMMISSIONER COMMENTS (Page 132)

ADJOURNMENT (Page 133)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

| <u>Meeting Date</u> | <u>Meeting Type</u> |
|---------------------|---------------------|
| March 23, 2023 | Zoning |
| March 28, 2023 | Workshop |
| April 04, 2023 | Regular |
| April 18, 2023 | Regular |
| April 25, 2023 | Workshop |
| April 27, 2023 | Zoning |
| May 2, 2023 | Regular |
| May 03, 2023 | Comp Plan |
| May 16, 2023 | Regular |
| May 23, 2023 | Workshop |
| May 25, 2023 | Zoning |
| June 6, 2023 | Regular |
| June 13, 2023 | Regular |

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during June 2023. Countywide
5. **Staff recommends motion to approve:** LIST OF ERRORS, INSOLVENCIES, DOUBLE ASSESSMENTS, DISCOUNTS, AND VALUE ADJUSTMENT BOARD REDUCTIONS ON THE **2022** ASSESSMENT ROLL. **SUMMARY:** Section 197.492, F.S., requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors, double assessments, and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. Countywide (DB)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (cont'd.)

6. Staff recommends motion to receive and file: four (4) of Palm Beach County's annual financial reports for the fiscal year ended September 30, 2022:

A) The Palm Beach County Annual Comprehensive Financial Report (ACFR);

B) The Palm Beach County Popular Annual Financial Report (PAFR);

C) The Palm Beach County Annual Financial Report (AFR); and

D) The Palm Beach County Annual Financial Audit Report (AFAR).

SUMMARY: The Annual Comprehensive Financial Report (ACFR) is prepared in accordance with Section 218.32 and 218.39, Florida Statutes. This report is required and is filed with the Government Finance Officers Association (GFOA) annually. The Popular Annual Financial Report (PAFR) is a condensed version of the ACFR. This report is optional and is filed with GFOA annually. The Units of Local Government Report is the Annual Financial Report (AFR) which serves to generate input to the State. The Annual Financial Audit Report (AFAR) is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 Florida Statutes and includes the Single Audit Report. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) Work Order 2021050-47 in the amount of \$521,000 to mill and resurface Browns Farm Road from 7.8 miles southeast of CR 880 to 10.8 miles southeast of CR 880 utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger); and

B) Work Order 2021050-48 in the amount of \$752,000 to mill and resurface CR 880 from Gladeview Road east for 3 miles 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 \$14 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 13.5% for these work orders. Their cumulative SBE participation, including these work orders is 13%. **These projects are included in the infrastructure sales tax. District 6** (YBH)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve: Work Order EN053023*214 for a cost not to exceed \$371,977.92 to the annual traffic signal contract dated August 23, 2022 (R2022-0791) with Gerelco Traffic Controls, Inc. (Gerelco) to construct a mast arm traffic signal at the intersection of Lantern Drive / 47th Place and Lyons Road, County Intersection ID Number 39795 (Project). **SUMMARY:** Approval of this Work Order will allow Gerelco to construct the Project. Staff conducted a signal warrant analysis at this location in August of 2021 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, \$2,009,069.07 of Gerelco's \$5,000,000 contract has been spent or encumbered. Gerelco has an office located in Palm Beach County (County). On January 20, 2022, the 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. Staff recommends motion to adopt: two Resolutions declaring the acquisition of fee simple right-of-way designated as Parcel 106 and temporary construction easements designated as Parcels 306A, 306B, and 308 necessary for the construction of roadway improvements to extend Congress Avenue from Northlake Boulevard to Alternate A1A (Project). **SUMMARY:** Adoption of these Resolutions will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against four parcels having a total appraised value of \$170,500. The parcels are necessary to construct a new typical three lane roadway with shoulders, curb and gutter, sidewalks, a roundabout, and drainage for the Project. The property owners have not accepted the offers to purchase made by Palm Beach County and attempts to negotiate the purchases have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. **This Project is included in the Five Year Road Program.** District 1 (DO)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to adopt: a Resolution declaring the acquisition of fee simple right-of-way designated as Parcel 103 and a temporary construction easement designated as Parcel 303 necessary for the construction of roadway improvements on Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project). **SUMMARY:** Adoption of this Resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against two parcels having a total appraised value of \$299,807. The parcels are necessary for the Project that will include the addition of curb and gutter, sidewalks, additional drainage, bridge replacement and traffic signals. The property owner has not accepted the offer to purchase made by Palm Beach County and attempts to negotiate the purchase have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. **This Project is included in the Five Year Road Program. District 4 (DO)**

5. Staff recommends motion to approve: the Sovereignty Submerged Lands Easement Renewal (Easement Renewal) from the Trustees of the Internal Improvement Trust Fund (TIITF) of the State of Florida to Palm Beach County (County) for submerged lands under the East Ocean Avenue Bridge over the Lake Worth Lagoon (East Bridge). **SUMMARY:** Approval of this Easement Renewal from TIITF will extend the use of the 0.0577 acre of sovereignty submerged lands, located beneath the east bridge for a period of 50 years. In 1990, the County made improvements to East Ocean Avenue, which included the widening of the east bridge over the Lake Worth Lagoon. Construction of this widening required an easement from TIITF. The previous easement with TIITF was approved by the Board of County Commissioners (BCC) on July 31, 1990, was recorded in Official Records Book 6649, page 394, and expired on October 10, 2018. TIITF recently brought this Easement Renewal to our attention. The Easement Renewal contains a liability provision that deviates from what is approved in PPM CW-F-049, pursuant to which, Risk Management and the County Attorney's Office have reviewed the provision and advised Engineering and Public Works (EPW) of the associated risks. The new provision includes liabilities that accrue to the subject parcel for improvements, assessments or taxes. Due to the business needs and benefits to be derived from the Easement Renewal, Risk Management and the County Attorney's Office have agreed to allow EPW to move the Easement Renewal forward for BCC approval. District 4 (YBH)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to approve:

- A) the Engineering Services and Grant Support Professional Continuing Services Contract with Kimley-Horn and Associates, Inc. (KHA) to be in effect for 36 months from the date of approval by the Board of County Commissioners (BCC);
- B) the Engineering Services and Grant Support Professional Continuing Services Contract with CORE Engineering Group, LLC (CEG) to be in effect for 36 months from the date of approval by the BCC; and
- C) the Engineering Services and Grant Support Professional Continuing Services Contract with Calvin, Giordano & Associates, Inc. (CGA) to be in effect for 36 months from the date of approval by the BCC.

SUMMARY: Approval of these contracts will provide the professional services necessary for preliminary engineering, grant research and writing throughout Palm Beach County (County) on a consultant services authorization basis. The contract period for these contracts is 36 months from the date of approval by the BCC. On June 15, 2022, the Goal Setting Committee applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation and a Minority Business Enterprise evaluation preference for African American owned firms. KHA agreed to 32% SBE participation for the contract. CEG agreed to 80% SBE participation for the contract. CGA agreed to 20% SBE participation for the contract. On January 18, 2023, the Consultant's Competitive Negotiations Act Selection Committee selected KHA, CEG and CGA and, in accordance with PPM No. CW-O-048, the BCC was notified of the selection on January 20, 2023. KHA, CEG and CGA have offices located in the County and CEG is a certified SBE company. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to approve: Work Order 2021050-57 in the amount of \$271,000 to mill and resurface Flavor Pict Road from Hagen Ranch Road to Jog Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$16 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 13.98% SBE for this work order. Their cumulative SBE participation, including this work order is 13%. District 5 (YBH)

8. Staff recommends motion to approve: a Consultant Service Authorization (CSA) No. 5 to the Civil Engineering Annual Services Contract (R2022-0464) dated May 17, 2022 (Contract) with Mock, Roos & Associates, Inc. (MRA) in the amount of \$143,599.14 for the Seminole Colony Drainage Canal Replacement (Project). **SUMMARY:** Approval of this CSA will provide the civil engineering professional services necessary to design the construction plans for the piping improvements to the Seminole Colony drainage canal, which is maintained by Palm Beach County (County). The canal is currently prone to overflowing its banks due to its deteriorating condition. The Contract was presented to the Goal Setting Committee (GSC) on June 16, 2021. The GSC applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation and a Minority Business Enterprise evaluation preference for African American owned firms. MRA agreed to 27% SBE participation for the Contract. They agreed to 23.2% SBE participation for this CSA. MRA has an office located in the County. District 7 (YBH)

3. CONSENT AGENDA APPROVAL

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

9. Staff recommends motion to approve: Work Order 2021050-56 in the amount of \$295,000 to mill and resurface Boca Rio Road from SW 18th Street to Palmetto Park Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$16 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 13.77% SBE for this work order. Their cumulative SBE participation, including this work order is 13%. **This project is included in the infrastructure sales tax. District 5 (YBH)**

3. CONSENT AGENDA APPROVAL

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

10. Staff recommends motion to:

A) **approve** a contract with Rosso Site Development, Inc. (RSD) in the amount of \$1,747,759.49 with a contract time of 240 calendar days for the construction of Seminole Boulevard from Oswego Avenue to Okeechobee Boulevard, Multi-Use Trail and Pedestrian Lighting (Project); and

B) **approve** a Budget Amendment of \$429,193 in the Capital Outlay Fund to recognize the reimbursement funding from Westgate Belvedere Homes Community Redevelopment Agency (CRA) and appropriate them to the Project.

SUMMARY: Approval of this contract will authorize the construction services necessary to install multi-use trails and pedestrian lighting for the Project. Because this Project is funded by a Federal grant (R2022-0916) through the Florida Department of Transportation (FDOT) Local Agency Program (LAP), the Equal Business Opportunity Ordinance is not applicable. FDOT requested that Palm Beach County (County), a certified LAP agency, enter into the LAP grant agreement on behalf of the CRA, and the CRA and the County entered into an Interlocal Agreement (R2021-0467), whereby the CRA agreed to be responsible for all costs above the grant amount and maintenance of the improvements after the Project is complete. The Catalog of Federal Domestic Assistance number for R2022-0916 is 20.205 Highway Planning and Construction. Bids for the contract were received by the Engineering Department on May 16, 2023. Approval of the Budget Amendment will recognize the reimbursement funding from the CRA and LAP grant. RSD was the lowest responsive bidder of three bidders. The contract time for the Project is 240 calendar days. RSD has an office located in the County. District 7 (YBH)

11. Staff recommends motion to adopt: two Resolutions declaring the acquisition of fee simple rights-of-way designated as Parcels 104 and 110 necessary for the construction of sidewalk improvements for the Canal Point KE Cunningham Elementary School (Project). **SUMMARY:** Adoption of these Resolutions will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against two parcels having a total appraised value of \$5,500. The parcels are necessary for the construction of five foot sidewalk tie-ins for the safe commute of students from their residences to the school, and to improve the overall safety for pedestrians. The property owners have not accepted the offers to purchase made by Palm Beach County and attempts to negotiate the purchases have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. **This Project is included in the Five Year Road Program.** District 6 (DO)

3. CONSENT AGENDA APPROVAL

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

12. Staff recommends motion to approve:

- A) Consultant Service Authorization (CSA) No. 4 to the Construction Engineering Inspection (CEI) Annual Services Contract (R2021-0883) dated July 13, 2021 (Contract) with BCC Engineering, LLC (BCCE) for in the amount of \$252,516.75 for Seminole Boulevard from Oswego Avenue to Okeechobee Boulevard (Project); and
- B) a Budget Amendment of \$362,517 in the Capital Outlay Fund to recognize reimbursement funding from Westgate Belvedere Homes Community Redevelopment Agency (Westgate CRA) and appropriate it to the Project.

SUMMARY: Approval of this CSA and Budget Amendment will provide the professional services necessary to provide CEI for the Project. The Contract was presented to the Goal Setting Committee (GSC) on November 6, 2019. The GSC applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. BCCE agreed to 30% SBE participation for the Contract. They agreed to 32.66% SBE participation for this CSA. Districts 2 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

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

13. Staff recommends motion to:

- A) **adopt** a Resolution to approve the standard grant agreement (Agreement) with the State of Florida Department of Environmental Protection (FDEP) for the Australian Avenue Drainage Improvements from Banyan Boulevard to 45th Street (Project);
- B) **approve** the Agreement with FDEP that provides a federally funded grant (Grant) in the amount of \$13,357,119 for the Project commencing upon execution of the Agreement by FDEP with an expiration date of September 30, 2026;
- C) **approve** the FDEP Build America, Buy America Act and Davis Bacon Act Acknowledgement regarding requirements for materials used in infrastructure projects, funded by federal funds, that are to be produced and manufactured in the United States; and certification requirements for wages and labor agreements when the project's total cost is over \$10 million;
- D) **approve** the American Rescue Plan Act's Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Reporting Requirements Form which provides details to FDEP of how Palm Beach County (County) will comply with certain federal requirements of the Grant;
- E) **adopt** a Resolution to delegate to the County Administrator, or designee, the signatory authority on all future forms, certifications, contracts/agreements, amendments, and any other documents necessary for the implementation of the Grant, which documents do not substantially change the scope of work, terms, or conditions of the Grant or the Agreement; and
- F) **approve** a Budget Amendment of \$13,357,119 in the Transportation Improvement Fund to recognize the Grant funding from FDEP and appropriate it to the Project.

SUMMARY: Approval of this Agreement, its associated forms, delegation of authority and Budget Amendment will allow the County to receive Grant funding of \$13,357,119 for the Project with an estimated construction cost of \$31,063,068. FDEP has allotted funding in the Resilient Florida Grant Program to address the impacts of flooding and sea level rise through adaptation and mitigation projects. The Project will install a new closed drainage system and outfalls to alleviate flooding, replace and/or widen bridges, and reconstruct the roadway. **The local match is \$17,705,949 which is 57% of the estimated Project cost.** The Catalog of Federal Domestic Assistance (CFDA) number for this Grant is 21.027 SLRFP0125. **This Project is included in the Five Year Road Program and partially funded by the infrastructure sales tax. District 7 (YBH)**

3. CONSENT AGENDA APPROVAL

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

14. Staff recommends motion to approve: Change Order No. 4 in the amount of \$765,272 and for a time extension of 90 days to the contract dated September 1, 2020 (R2020-1251) (Contract) with MJC Land Development (MJC) for Lyons Road from south of the Lake Worth Drainage District (LWDD) L-38 Canal to West Atlantic Avenue (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 for change orders to contracts and requires approval from the Board of County Commissioners (BCC). Approval of Change Order No. 4 will provide a safe and functional connection to the existing pavement by extending the physical limits of the Project by 500 feet beyond its original southern limit at the L-38 Canal. This will make the Project functionally operational in accordance with the intent of the original contract. Plans were revised during construction to reflect the as-built condition of permitted work done on Lyons Road by a private developer to the south of the Project, between the LWDD L-39 and L-38 Canals. New and revised pay items and quantities are necessary to complete the ultimate connection to the new bridge over the L-38 Canal. The Contract was approved on September 1, 2020, for the amount of \$9,823,244.20. The Contract's total value including this Change Order and previous change orders is \$10,626,874.41. The Affirmative Procurement Initiative selected for this contract on March 4, 2020 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. MJC committed to 20.61% SBE participation for this contract. Their estimated SBE participation for Change Order No. 4 is 8.5%. Their cumulative SBE participation for this contract, including this Change Order, is 16.5%. MJC expects to meet their SBE participation toward the end of the Project. District 5 (YBH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to ratify: the signature of the Mayor on FY 2022 Audit Compliance Certification form, as required by the Florida Department of Commerce (FDOC), formerly known as the Florida Department of Economic Opportunity (FDEO), to certify that the Palm Beach County Community Services Department complied with all applicable single or project specific audit requirements of Section 215.97, Florida Statutes, the applicable rules of the Department of Financial Services and the Auditor General. **SUMMARY:** The Audit Compliance Certification form signed by the Mayor allows the Community Action Program (CAP) to continue to receive Community Services Block Grant (CSBG), Low-Income Home Energy Assistance Program (LIHEAP), and Low-Income Household Water Assistance Program (LIHWAP) funding. In FY 2022, CSBG funding provided employment skills training, job placement services, resume training, financial management training and case management services to 312 individuals and 159 families. In FY 2022, LIHEAP funding was used to continue providing electric utility bill assistance to 7,783 low-income households residing in Palm Beach County. In FY 2022, LIHWAP has provided water utility assistance funding to 1,494 low-income households residing in Palm Beach County. The emergency signature process was utilized because there was not sufficient time to submit the certification form through the regular Board of County Commissioner's agenda process. **No County funds are required.** (Division of Human Services and Community Action) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. [Staff recommends motion to approve:](#) Amendments to Subrecipient Agreements for Ryan White Program HIV/AIDS Part A (RWHAP) for Health Support Services with the below listed agencies, for the period March 1, 2023 through February 29, 2024, to continue improving health outcomes for people living with HIV/AIDS:
- A) Amendment No. 1 to Subrecipient Agreement for RWHAP for Health Support Services with FoundCare, Inc. (R2021-1009), to increase the agreement by \$136,173, for a new Grant Year (GY) 2023 amount not-to-exceed \$3,023,581, for a new 3-year agreement amount totaling \$8,729,319, for core medical and support services;
 - B) Amendment No. 1 to Subrecipient Agreement for RWHAP for Health Support Services with AIDS Healthcare Foundation, Inc. (R2021-0788), to decrease the agreement by \$63,663, for a new GY 2023 amount not-to-exceed \$419,782, for a new 3-year agreement amount totaling \$1,386,672, for core medical and support services;
 - C) Amendment No. 1 to Subrecipient Agreement for RWHAP for Health Support Services with Monarch Health Services, Inc. (R2021-0311), to increase the agreement by \$20,000, for a new GY 2023 amount not-to-exceed \$81,347, for a new 3-year agreement amount totaling \$204,041, for core medical and support services;
 - D) Amendment No. 2 to Subrecipient Agreement for RWHAP for Health Support Services with Compass, Inc. (R2021-0307), to decrease the agreement by \$51,039, for a new GY 2023 amount not-to-exceed \$1,352,345, for a new 3-year agreement amount totaling \$3,994,837, for core medical and support services;
 - E) Amendment No.2 to Subrecipient Agreement for RWHAP for Health Support Services with Treasure Coast Health Council, Inc. (R2021-0309), to decrease the agreement by \$37,941, for a new GY 2023 amount not-to-exceed \$1,238,520, for a new 3-year agreement amount totaling \$3,497,673, for core medical and support services; and
 - F) Amendment No.3 to Subrecipient Agreement for RWHAP for Health Support Services with The Poverello Center, Inc. (R2021-0312), to increase the agreement by \$90,000, for a new GY 2023 amount not-to-exceed \$195,428, for a new 3-year agreement amount totaling \$351,094, for core medical and support services.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. **SUMMARY:** On December 7, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Ryan White Part A HIV Emergency Relief Grant Program application (R2021-1778). These amendments are needed to allocate funds, as well as reallocating funds that were swept from agencies that were unable to spend them in the designated categories. Damion Baker, CEO of Monarch Health Services, Inc., Lilia Perez and Rosaline Jocurin, employees of FoundCare, Inc., Ashnika Ali, employee of Treasure Coast Health Council, Inc., Kristen Harrington, employee of AIDS Healthcare Foundation, Inc. and Lysette Perez, employee of Compass, Inc., are members of the Palm Beach County HIV CARE Council (HIV CARE Council). The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendation regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. These amendments allow the agencies to continue improving health outcomes for people living with HIV/AIDS. Under this grant, the program will serve approximately 3,600 clients. In GY 2022, 3,100 clients were served. **No County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. Staff recommends motion to approve: the appointments of four (4) new members and the reappointment of one (1) current member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Act Council (HIV CARE Council), effective August 22, 2023:

| <u>Seat</u> | <u>Appointment</u> | <u>Recommended By</u> | <u>Term Expires</u> |
|-------------|----------------------|-----------------------|---------------------|
| 7 | Sandra Anderson | HIV CARE Council | 05/16/2025 |
| 8 | Denise Grigoriou | HIV CARE Council | 05/16/2025 |
| 9 | Dominique Lane | HIV CARE Council | 05/16/2025 |
| 14 | Brittany Henry | HIV CARE Council | 02/07/2025 |
| <u>Seat</u> | <u>Reappointment</u> | <u>Recommended By</u> | <u>Term Expires</u> |
| 3 | Damion Baker | HIV CARE Council | 08/21/2026 |

SUMMARY: The U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) requires Palm Beach County to maintain a planning council tasked with establishing priorities and allocations for the Ryan White HIV/AIDS Program grant funding that the County receives. The Palm Beach County HIV CARE Council is the County’s planning council. Federal law requires that the planning council “shall reflect in its composition the demographics of the population of individuals with HIV/AIDS in the eligible area...” At least 33% of planning council members must be consumers of Ryan White services who are unaffiliated with subrecipient service providers. The law also requires that members of the planning council represent designated categories including: health care providers; social service providers; community-based organizations; local public health agencies; non-elected community leaders; and grantees of Federal HIV programs. The Palm Beach County HIV CARE Council nomination process is an open process. Per Resolution No. R2018-0015, the total membership for the HIV CARE Council shall be no more than 33 at-large members. The nominees have successfully completed the nomination process and the HIV CARE Council recommends the appointments. Mr. Baker is an employee of Monarch Health Services, Inc. and Ms. Henry is an employee of FoundCare, Inc. Both agencies contract with the County for services; however, the HIV CARE Council provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443 of the Palm Beach County Code of Ethics. The diversity count for the 16 seats that are currently filled is African-American: 6 (38%), Caucasian: 6 (38%), Hispanic-American: 3 (18%) and Asian-American: 1 (6%). The gender ratio (female: male) is 8:8. Ms. Grigoriou is Hispanic-American. Ms. Anderson, Ms. Lane, Ms. Henry and Mr. Baker are African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments who meet HRSA’s requirements. (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. Staff recommends motion to approve: Contract for Provision of Services with Feeding South Florida, Inc. (FSF), for the period July 1, 2023 through September 30, 2024, in an amount not-to-exceed \$1,236,816, to provide prepared meals and grocery boxes to seniors age 60 and older. **SUMMARY:** FSF is a new agency that has the space and resources to provide prepared meals and grocery boxes to seniors residing in Palm Beach County. Funding is provided by the American Rescue Plan Act (ARPA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA). Grocery boxes are a new service targeting seniors who can prepare meals. Services are provided to eligible Palm Beach County seniors age 60 and older and their caregivers to provide in-home and community-based services. Under this contract, approximately 600 seniors will receive four (4) meals per week. The areas of service include all of the districts, excluding Districts 2, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Road. (HH)

5. Staff recommends motion to approve: an Interlocal Agreement with Florida Atlantic University (FAU) Board of Trustees, for the period February 1, 2023 through September 30, 2024, in an amount not-to-exceed \$131,675, of which \$53,545 is budgeted for FY 2023 with an anticipated allocation of \$78,130 in FY 2024, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC) for the term of this agreement, for the provision of process and outcomes evaluation research services to Palm Beach County residents with substance use disorders. **SUMMARY:** An Interlocal Agreement with FAU is necessary to develop research to establish process and outcomes evaluations for the Palm Beach Behavioral Health, Substance Use and Co-Occurring Disorders Strategic Plan Update (Plan Update). Additionally, FAU's research team will utilize qualitative and quantitative evidence from the Comprehensive Opioid, Stimulants, and Substance Use Program (COSSUP) to inform best practices related to Recovery Community Organizations/Recovery Community Centers (RCO/RCC). On May 2, 2023, the BCC approved an expansion from two (2) RCO/RCCs to four (4), located strategically where the needs are the greatest across Palm Beach County. The FAU research team will examine long-term recovery outcomes by evaluating participants outcomes based on levels of engagement with RCO/RCCs and assess the efficacy of educational programs, differences in geographical locations and quality of services at each of the RCO/RCCs and how these factors impact and affect long-term recovery. (Community Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

6. Staff recommends motion to approve: Subrecipient Agreement with Rebel Recovery Florida, Inc.(RRF), for the two-year (2) period March 1, 2023 through February 28, 2025, in an amount not-to-exceed \$200,000, of which \$100,000 is budgeted in Grant Year (GY) 2023 with an anticipated annual allocation of \$100,000 in GY 2024, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC) subject to funding approval by the U.S. Department of Health and Human Services (HHS), for the Ending the HIV Epidemic (EHE): A Plan for America federal grant program focused on reducing new HIV infection in the United States by 90% by 2030. **SUMMARY:** On December 17, 2019, the BCC ratified the Mayor's signature on the EHE: A Plan for America Grant application (R2019-1875). On March 3, 2023, the HHS issued a final Notice of Award for EHE: A Plan for America Grant in the amount of \$1,744,154, for a full award amount of \$5,738,461. The grant focuses on reducing HIV infection by 90% in the United States by the year 2030 by providing Harm Reduction Intervention Services (HRIS). RRF is a new agency that will provide HRIS to people living with both HIV and co-occurring substance use disorders. These services are to be provided in conjunction with an established community based Syringe Services Program (SSP) and will cover a range of client-centered activities focused on identifying and linking them to care and treatment. This agreement will serve approximately 30 clients in the HRIS category. Nancy McConnell, CEO of Rebel Recovery Florida, Inc., is a member of the Palm Beach County HIV Care Council (HIV CARE Council). The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendations regarding the agency listed above. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Section 2-443, of the Palm Beach County Code of Ethics. **These are federal grant funds, no County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to receive and file: Access Agreement with Popstroke Holdings LLC (Popstroke), commencing May 15, 2023, and expiring August 31, 2023, providing Popstroke access to lease parcel N-11-R, located near the southwest corner of Australian Avenue at Belvedere Road, at the Palm Beach International Airport (PBI) to conduct due-diligence inspections, without charge. **SUMMARY:** On March 1, 2023, the Department issued Request for Proposals (RFP) No. PB 23-7 for the lease and development of approximately 3.37 acres of vacant, non-aeronautical land at PBI for hotel or entertainment/dining purposes. On April 26, 2023, the selection committee unanimously recommended award of the Development Site Lease Agreement (Lease) to PopStroke. The Access Agreement enables Popstroke to begin due diligence inspections pending Board consideration of the Lease. Delegation of authority for execution of the standard-form access agreement was approved under R2006-2716. Countywide (AH)

2. Staff recommends motion to receive and file: Registration for Distribution of Literature or Picketing (Registration) at the Palm Beach International Airport (PBI) issued to South Florida Public Witnessing, Inc. (SFPW), authorizing its members to distribute literature at PBI, effective July 2, 2023, and expiring June 30, 2024, at no cost. **SUMMARY:** The Registration authorizes designated members of SFPW to distribute literature at PBI, in locations designated by the Department of Airports, in accordance with the Airport Rules and Regulations (R98-220 as amended). A sample of the literature to be distributed is attached to the Registration. The standard form Registration was approved by the Board on October 3, 1995 (R95-1410). Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. Staff recommends motion to approve:

A) Change Order No. 3 to the contract with Alen Construction Group, Inc. (Alen) in the amount of \$43,656.16 and an extension of 9 Calendar Days to the 400Hz Ground Power Unit (GPU) Point of Use (POU) Replacement Project at Palm Beach International Airport (PBI); and

B) A Budget Transfer of \$43,656 in the Airport's Improvement and Development Fund.

SUMMARY: The original contract with Alen for the 400Hz GPU POU Project at PBI in the amount of \$6,900,000 and 430 Calendar Days was approved by the Board on March 8, 2022 (R2022- 0226). Change Orders No. 1 and 2 in the amount of \$157,876.97 and 301 Calendar Days were approved in accordance with the authority designated in PPM CW-F-050. Approval of Change Order No. 3 in the amount of \$43,656.16 and 9 Calendar Days is required to primarily address omissions and differing site conditions not represented in the original set of construction documents. Change Order No. 3 includes the installation of power for the Fire Sprinkler System Pre-Action Compressor, cleaning, patching painting and fire stopping of surfaces of raceway's fire-rated penetrations related to providing power. The scope also includes replacing existing damaged fire sprinkler hangers in Concourse B level 1 breezeway, rerouting an existing 1" waterline and relocation of several existing bollards in order to meet clearance code requirements. This project was presented to the Goal Setting Committee on September 1, 2021 and a SBE Price Preference, Affirmative Procurement Initiative was applied. The S/M/WBE participation for Change Order No. 3 is 89.7%. The S/M/WBE subcontracting participation to date is 34.64%. Countywide (AH)

4. Staff recommends motion to receive and file: License Agreement (Agreement) with Chandler & Campbelle Investment Group LLC d/b/a Chandler Campbelle & Daschle (CCD), commencing on July 1, 2023, and initially expiring September 30, 2023, with automatic renewals on an annual basis through September 30, 2025, for CCD to park up to three (3) of CCD's vehicles at the Palm Beach International Airport (PBI). For payment of an annual license fee in the amount of \$540. **SUMMARY:** CCD provides subcontract services to multiple concessions and tenants at PBI (Service Agreements), and has requested space for the temporary parking of vehicles used in the conduct of CCD's operations under the Service Agreements at PBI. Delegation of authority for execution of the standard form License Agreement was approved by the Board in R2007-2070. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

5. Staff recommends motion to adopt: a Resolution establishing a standard form First Amendment to Agreement for Rental Car Lease and Concession (First Amendment); authorizing the County Administrator or designee to execute standard form First Amendments; providing for severability; and providing for an effective date. **SUMMARY:** The Resolution establishes a new standard form that will be used to amend the eight (8) Agreements for Rental Car Lease and Concession at the Palm Beach International Airport (R2022-0829; R2022-0831 through R2022-0835; R2022-0936 through R2022-0937) (Agreements). The First Amendment will implement additional controls to ensure timely submission of required reports pursuant to recommendations included in Palm Beach County Office of Inspector General (OIG) Report No. 2023-A-0005, and will clarify the definition of "Local Revenue". Rental car concessionaires charge fees to their customers to recover concession fees paid to the County (Concession Recoupment Fees) for vehicle rental transactions derived from business generated by the airport. Local Revenue is an exclusion from gross revenues, which exempts local Palm Beach County residents who do not deplane at the airport from the payment of Concession Recoupment Fees. Since local residents are less likely to rent a car after deplaning at the airport, the First Amendment clarifies that the only evidence required for the exclusion will be the customer's driver license with a local Palm Beach County zip code, which will ensure consistency in documentation. The First Amendment also adds a provision for liquidated damages in the event required reports are not submitted timely, modifies the monthly and annual audit reporting requirements to more closely align with the categories of revenue, and provides for review and modification of the audit requirements upon notice to the concessionaire. The Resolution authorizes the County Administrator or designee, the Director of Airports, to execute the standard form First Amendments on behalf of the Board. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

6. Staff recommends motion to receive and file: An Amendment for Extension of the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for the Golfview West Canal Relocation/Culvert at Palm Beach International Airport (PBI); Financial Project Number 441608-1-94-01 approved by the Board on May 5, 2020 (R2020-0415 and R2020-0416), until December 31, 2024. Delegation of authority for execution of the Amendments for extension of the PTGAs was approved by the Board on August 25, 2020 (R2020-1017). **SUMMARY:** This project will provide for the installation of a 1,000-foot culvert in the E-3 1/2 canal on the west side of PBI. The County owns several parcels on the west side of the existing canal adjacent to Military Trail, which are managed by the Department of Airports. The installation of the culvert south of Green Street will allow for additional opportunities for aviation-related development in this area with access to the airfield. Approval of the Amendment for Extension of the PTGA extends the availability of grant funding to allow for the completion of the project. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

7. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0085-072-2023 in the amount of \$213,921 for design and construction services for the Wind Cone Relocation and Replacement at Palm Beach International Airport (PBI). Delegation of authority for execution of this grant was approved by the BCC on August 25, 2020 (R-2020-1017). This grant is effective as of July 12, 2023 with an expiration date of July 11, 2027;

B) approve a contract with H.L. Pruitt Corp. (Pruitt) in the amount of \$210,975 and 116 Calendar Days for the Wind Cone Relocation and Replacement at PBI; and

C) approve a Budget Amendment of \$213,921 in the Airport's Improvement and Development Fund, which includes a transfer from reserves in the amount of \$71,367, to recognize the receipt of grant funding from the FAA.

SUMMARY: The FAA has issued a Grant Offer (Assistance Listings Number 20.106) reflecting its commitment of funding in the amount of \$213,921 for the Wind Cone Relocation and Replacement at PBI. Acceptance of this grant provides the Department of Airports with funding for the project. This grant began on July 12, 2023 and expires on July 11, 2027. This grant requires a local match in the amount of \$71,367. This project was advertised utilizing the County's competitive bid process. On April 13, 2023, three (3) bids were received for the Wind Cone Relocation and Replacement at PBI. Pruitt, a Seminole County, Florida company has been identified as the lowest responsible/responsive bidder in the amount of \$210,975. This project provides for the removal and replacement of five (5) existing wind cones with new current driven supplemental L-806(L) wind cones and the installation of one (1) new Primary L-807(L) wind cone within the PBI airfield. A Disadvantaged Business Enterprise (DBE) goal of 9% was established for this project. Pruitt has committed to a minimum of 10% DBE participation. Countywide (AH)

8. Staff recommends motion to receive and file: Consent to Sublease (Consent) documents, consenting to the sublease of space by Signature Flight Support LLC (Signature) at the Palm Beach International Airport (PBI) with Steven Shenouda/EMTAC SR20, LLC, effective as of July 1, 2023. **SUMMARY:** Signature provides fixed based operator services for general aviation aircraft at PBI pursuant to a Lease Agreement dated September 30, 2004 (R2004-1990, as amended). The Lease Agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) approve request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2023 tax roll to be extended prior to completion of the Value Adjustment Board (VAB) hearings; and

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

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2023, and will permit the collection of property taxes prior to completion of the VAB hearings. Countywide (DB)

2. Staff recommends motion to receive and file: The Fiscal Year 2023/2024 Proposed Budget for Children's Services Council of Palm Beach County (CSCPBC). **SUMMARY:** The CSCPBC has submitted their Fiscal Year 2023/2024 Proposed Budget as per section number 125.901(3)(f), Florida Statutes. The proposed budget includes lowering the millage rate from 0.5508 to 0.5073. Countywide (DB)

3. Staff recommends motion to receive and file: Financial Statements for the Fiscal Year ending September 30, 2022 from the Delray Beach Community Redevelopment Agency (DB CRA). **SUMMARY:** The DB CRA has submitted its Financial Statements for the Fiscal Year ending September 30, 2022 as per section number 163.356(3)(d), Florida Statutes. Countywide (DB)

4. Staff recommends motion to receive and file: The Quarter Ending 06-30-2023 information for Children's Services Council of Palm Beach County (CSCPBC). **SUMMARY:** The CSCPBC has submitted their Quarter Ending 06-30-2023 information as per section number 125.901(3)(f), Florida Statutes. The statement reflects only expenditures and receipts during the quarter. Countywide (DB)

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$20,000 for the full satisfaction of a code enforcement lien entered against Robert M. Battista on December 5, 2007. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) executed an order on June 6, 2007 for the property owned by Robert M. Battista, giving him until September 4, 2007 to bring his property located at 6193 Balboa Circle, Boca Raton, FL into full code compliance. The property was cited for the removal of an interior load-bearing wall without a building permit. The issue began with an anonymous complaint from condominium owners regarding their safety concerns for the building. Mr. Battista removed the interior load-bearing wall, which was not properly engineered and framed to support the existing loads. Mr. Battista had until September 4, 2007 to bring the property into full code compliance or a fine of \$50 per day would begin to accrue. Several phone calls were exchanged between Code Enforcement and Mr. Battista's daughter/representative to discuss the path to compliance. However, on September 5, 2007, a site inspection revealed that the property remained in violation. Compliance with the CESM's order was not achieved, and the CESM executed an order imposing a code lien against Robert M. Battista on December 5, 2007. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on January 13, 2023, which was over 15 years after the compliance date set forth in the order, and the fines stopped. Compliance was achieved once a building permit was issued to repair the violations. The total fine on May 10, 2023 was \$280,601.58, the date on which settlement discussions began. Mr. Battista's heirs have agreed to pay Palm Beach County \$20,000 (7%) for full settlement of his outstanding code enforcement lien. District 4 (SF)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$10,000 for the full satisfaction of a code enforcement lien entered against Janusz and Urszula Nalepa on July 1, 2009. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) executed an order on January 7, 2009 for the property owned by Janusz and Urszula Nalepa, giving them until April 7, 2009 to bring their property located at 9477 Pinto Drive, Lake Worth, FL into full code compliance. The property was cited for the installation of a fence, column, and gate without required building permits. In addition, the permit for the construction of a pool had expired. Mr. Nalepa was present at the hearing on January 7, 2009. He was given 90 days to comply with the CESM's order, or a fine of \$50 per day would begin to accrue. A follow up inspection on April 8, 2009 confirmed that the property remained as cited. Compliance with the CESM's order was not achieved, and the daily fine was imposed. The CESM executed an order imposing a code lien against Janusz and Urszula Nalepa on July 1, 2009 and was recorded on September 10, 2009. The Code Enforcement Division (Code Enforcement) completed six site inspections between 2008 and 2016. It issued an affidavit of compliance for the property on October 13, 2016 stating that the cited violations were corrected as of August 18, 2016, and the fines stopped. The total fines on May 23, 2023 was \$119,415.80, the date on which settlement discussions began. Urszula Nalepa has agreed to pay Palm Beach County \$10,000 (8%) for full settlement of the outstanding code enforcement lien. District 6 (SF)

7. Staff recommends motion to approve: a Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$25,000,000. **SUMMARY:** Impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. These budget transfers recognize school impact fee revenues as of July 10, 2023 and allow for their appropriation so that the County may remit funds to the School District in accordance with Article 13 of the Unified Land Development Code (ULDC). Countywide (RM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Second Amendment to Lease Agreement with South Florida Water Management District (SFWMD) exercising the first option to extend the term from August 01, 2023 through July 31, 2024 at an annual rent rate of \$449,080.25. **SUMMARY:** On May 14, 2020, the County entered into a Lease Agreement (R2020-0518) with SFWMD for 19,692 square feet of office space located at 3301 Gun Club Road to temporarily accommodate a portion of Palm Beach County Sheriff's Office (PBSO) staff during the Renewal/ Replacement/Renovation Project at PBSO Headquarters. The First Amendment (R2020-1451) provided for the increase in reimbursement to SFWMD from \$75,000 to \$91,000 to reconfigure the modular furniture. This Second Amendment acknowledges that the County provided timely notification to SFWMD exercising its first option to extend the term of the lease for one (1) year, expiring on July 31, 2024. All other terms and conditions remain the same. The Property and Real Estate Management Division will continue to have administrative responsibility of the lease agreement. **Funding for this agreement is from the Infrastructure Sales Tax (Property & Real Estate Management) Countywide/District 3 (HJF)**

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to:

A) **adopt** a Resolution authorizing a Lease Agreement with the North Palm Beach Rowing Club, Inc., a Florida not-for-profit corporation (NPBRC), to lease approximately 0.88 acres of real property at the Palm Beach County Bert Winters Park (Park) located at 13245 Ellison Wilson Road, Juno Beach; and

B) **approve** a Lease Agreement with the NPBRC for a community rowing program for an initial term of thirty (30) years at an annual rate of \$10.

SUMMARY: Since 2013, NPBRC has held a Special Use Permit with the County for a community rowing training program (Program) which permitted use of a temporary boat house for the training. County and NPBRC desire to continue the Program by entering into a Lease Agreement permitting NPBRC to design, construct and operate a permanent boat house (the Project). NPBRC has proposed to raise, within five (5) years of the effective date of the Lease Agreement, an estimated \$3,000,000 to \$5,300,000 in funds required to complete the Project. County has the right to terminate the Lease Agreement if NPBRC fails to meet the initial submission timeline for the Project or any funding benchmark for a phase of the Project. NPBRC will have the right to name the Project, its improvements and all components thereof, and displays in recognition of NPBRC's major donors, subject to approval by the Parks and Recreation Department. Upon expiration or termination of this Lease Agreement, naming rights to the building and all improvements constructed by NPBRC shall revert to County. The initial lease term is for thirty (30) years with two ten (year) extension options. Rent will be \$10 annually. The Parks and Recreation Department (Parks) supports this Project, and will manage and administer the Lease Agreement. (Property & Real Estate Management) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to approve: Amendment No. 2 to the Second Restated Sports Facility Use Agreement (Second Restated SFUA) (R2022-0521) between Palm Beach County (County) and Jupiter Stadium, Ltd. (JSL), St. Louis Cardinals, LLC (Cardinals) and Marlins Teamco LLC (Marlins) which amendment updates Exhibit I to the Restated SFUA and modifies the definition of annual debt service. **SUMMARY:** In 1996, the County entered into a Developer Agreement (R96-879D, as amended) and a Sport Facility Use Agreement (R96-877D, as amended) (SFUA) with JSL for the use and operation of Roger Dean Chevrolet Stadium (RDCS) and the adjacent two-team baseball training facilities, clubhouses, playing fields, on-site parking areas and related structures and improvements. RDCS serves as the spring training facility for the Cardinals and the Marlins (collectively the Teams). Construction of RDCS was completed in 1998, so that the facility is now over 25 years old; and the County determined that renovations were required to ensure that RDCS: 1) meets updated MLB standards, 2) provides accommodations comparable to the County's most recently built Ballpark of the Palm Beaches, and 3) provides for a visitor experience that further solidifies spring training as a tourism generator. On December 17, 2019, the Board of County Commissioners (Board) approved a term sheet identifying key provisions of a new Developer Agreement (New DA) and the Second Restated SFUA to facilitate the renovation of RDCS (Renovation Project), and authorized the County Administrator or designee to commence negotiations. Negotiations commenced as authorized by the Board but, in March 2020, had to be halted due to the detrimental effects that the COVID19 pandemic had on Bed Tax collections. In November 2021, JSL and the County reengaged in negotiations. On May 17, 2022, the Board Approved the New DA (R2022-0520) and the Second Restated SFUA. On March 14, 2023, the Board approved: 1) a Spring Training Facility Funding Agreement (Funding Agreement) (R2023-0367) with the State of Florida, Department of Economic Opportunity (DEO) for the provision of \$50,000,000 of State funding under Section 288.11631, Florida Statutes, over a 25-year period towards the RDCS Renovation Project; 2) an Addendum to the Second Restated SFUA (R2023-0368) providing for additional payments to be made by the Marlins and Cardinals to the DEO in the event of missed games; 3) Amendment No. 1 to the New DA (R2023-0369) increasing the amount of the Project Proceeds to \$140,000,000 and establishing Non-Eligible Costs; 4) Amendment No. 1 to the Second Restated SFUA (R2023-0370) providing for the option of Semi-Annual Use Fee Payments; and 5) a bond authorizing resolution in an amount not to exceed \$140,000,000. The debt service on the bonds will be repaid through Tourist Development Bed Taxes, State sales tax contribution of \$50,000,000 (\$2,000,000 per year for 25 years) under the Funding Agreement, and the Teams' annual use payment under the Second Restated SFUA.

3. CONSENT AGENDA APPROVAL

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

3. **SUMMARY (cont'd.)** The County Bonds for the RDCS Renovation Project were sold on April 13, 2023. Amendment No. 2 to the Second Restated SFUA replaces and revises agreement Exhibit I “County / State Contributions to Annual Debt Service” to adjust the County’s contribution to debt service in certain years since the debt service schedule on the County Bonds is now finalized after the bond sale. **These adjustments to Exhibit I do not change or affect the County’s total contribution to debt service** that the County agreed to under the Second Restated SFUA, but merely conform Exhibit I to the final debt service schedule on the County Bonds. Amendment No. 2 also revises the definition of Annual Debt Service under the agreement to include fees associated with the payment of principal and interest on the bonds. This item has no fiscal impact. (FDO ADMIN) District 1/Countywide (MWJ)

4. Staff recommends motion to receive and file:

A) Standard License Agreement for Use of County-Owned Property (Lantana/Lake Worth Health Center) for the period of June 12, 2023 through September 30, 2023, with Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc., for prenatal and postpartum group meetings without a license fee; and

B) Standard License Agreement for Use of County-Owned Property (Vacant Lot Adjacent to Main Library) for the period of May 15, 2023 through May 22, 2023, with Trump International Golf Club, L.C., for parking with a license fee of \$1,200.

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 agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. The Standard License Agreements were approved in accordance with R2010-0333, as amended and approved by the Board on October 1, 2013. The Agreement with Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc., did not entail a payment of a license fee. The Agreements with Trump International Golf Club, L.C. had a license fee of \$1,200. The executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (YBH)

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to approve: Work Order No. 23-005 to the annual flooring contract (R2021-0633) with Andrea Construction, Inc. (Contractor) in the amount of \$236,140 for the Main County Courthouse 4th Floor - Flooring Replacement project for a period of 180 calendar days from notice to proceed. **SUMMARY:** The project consists of the base and flooring replacement in three (3) areas on the 4th floor of the Main County Courthouse. Areas with existing tile or concrete are excluded from this scope of work. The flooring on the 4th floor of the Main County Courthouse has outlived its useful life and will be replaced with new carpet tiles, luxury vinyl tiles and vinyl wall base. Work Order 23-005 authorizes the construction services necessary to furnish all materials, labor, equipment, tools, supervision, permits and supplies necessary for the Main County Courthouse 4th Floor - Flooring Replacement project. This project was competitively advertised and new contractors were invited to bid by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 180 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This Work Order was solicited pursuant to the annual flooring contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual flooring contract was presented to the Goal Setting Committee on January 20, 2021. The Committee applied the following Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or a Small Business Enterprise (SBE) contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Since this project is greater than \$100,000, the price preference API was applied. SBE participation for this Work Order is 15.62%. Cumulative SBE participation on the annual flooring contract is 25.52%. The Contractor is a certified SBE firm and a Palm Beach County business. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

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

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

| <u>Contractor</u> | <u>Status</u> | <u>SBE or Non-SBE</u> |
|--------------------------|---------------|-----------------------|
| Dan Enterprises Team LLC | Non-Local | Non-SBE |

SUMMARY: On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract (R2020-0142 through R2020-0151). The work consists of construction services associated with repairs, improvements and renovations to County-owned properties on an as needed basis. The Contractor now joins the list of thirty-eight (38) prequalified contractors for a total of thirty-nine (39) prequalified contractors with a contract expiration date of February 10, 2025. The specific requirements of the work will be determined by individual work orders issued against this annual minor construction contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$25,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual minor construction contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper, further expanding the bidding pool to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual minor construction contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established three Affirmative Procurement Initiatives (APIs): 1) sheltered market for projects under \$100,000; or 2) a small business enterprise (SBE) contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid on a single trade project \$100,000 or greater; or 3) a mandatory 25% SBE subcontracting goal for a multi-trade project \$100,000 or greater. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. To date, the cumulative S/M/WBE participation for all work orders under the annual minor construction contract is 58.24%. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to approve: an annual contract with the following contractor for painting and weatherproofing services on an as-needed basis through April 3, 2028.

| <u>Contractor</u> | <u>Status</u> | <u>SBE or Non-SBE</u> |
|-------------------------------|---------------|-----------------------|
| Southern Star Contractors Inc | Local | SBE |

SUMMARY: On April 4, 2023, the Board of County Commissioners (Board) approved the annual painting and weatherproofing services contract (R2023-0416 through R2023-0420). The work consists of painting and weatherproofing services to County-owned properties on an as needed basis. The Contractor now joins the list of nine (9) prequalified contractors for a total of ten (10) prequalified contractors with a contract expiration date of April 3, 2028. The specific requirements of the work will be determined by individual work orders issued against this annual painting and weatherproofing services contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$3,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual painting and weatherproofing services contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper, further expanding the bidding pool to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual painting and weatherproofing services contract was presented to the Goal Setting Committee on December 7, 2022 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. To date, there is no S/M/WBE participation for work orders under the annual painting and weatherproofing services contract. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

8. Staff recommends motion to approve: an annual contract with the following contractor for demolition services on an as-needed basis through April 3, 2028.

| <u>Contractor</u> | <u>Status</u> | <u>SBE or Non-SBE</u> |
|------------------------------|---------------|-----------------------|
| Allied Bean Demolition, Inc. | Non-Local | Non-SBE |

SUMMARY: On April 4, 2023, the Board of County Commissioners (Board) approved the annual demolition contract (R2023-0414 through R2023-0415). The work consists of demolition services to County-owned properties on an as needed basis. The Contractor now joins the list of three (3) prequalified contractors for a total of four (4) prequalified contractors with a contract expiration date of April 3, 2028. The specific requirements of the work will be determined by individual work orders issued against this annual demolition contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$1,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual demolition contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper, further expanding the bidding pool to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual demolition contract was presented to the Goal Setting Committee on December 7, 2022 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

9. Staff recommends motion to approve: an annual contract with the following contractor for low voltage services on an as-needed basis through August 16, 2026.

| <u>Contractor</u> | <u>Status</u> | <u>SBE or Non-SBE</u> |
|-------------------|---------------|-----------------------|
| Unitec Inc. | Non-Local | Non-SBE |

SUMMARY: On August 17, 2021, the Board of County Commissioners (Board) approved the annual low voltage contract (R2021-1063 through R2021-1069). The work consists of low voltage services to County-owned properties on an as needed basis. The Contractor now joins the list of twelve (12) prequalified contractors for a total of thirteen (13) prequalified contractors with a contract expiration date of August 16, 2026. The specific requirements of the work will be determined by individual work orders issued against this annual low voltage contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$4,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual low voltage contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper, further expanding the bidding pool to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual low voltage contract was presented to the Goal Setting Committee on March 17, 2021 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. To date, the cumulative S/M/WBE participation for all work orders under the annual low voltage contract is 61.15%. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

10. Staff recommends motion to approve: annual contracts with the following contractors for Indoor Air Quality (IAQ) remediation services on an as-needed basis through August 21, 2028.

| <u>Contractors</u> | <u>Status</u> | <u>SBE or Non-SBE</u> |
|--|---------------|-----------------------|
| A) Cross Environmental Services, Inc. | Non-Local | Non-SBE |
| B) Dean Mitchell Restoration, Inc. | Local | Non-SBE |
| C) Joe Schmidt Construction, Inc. | Local | SBE |
| D) Prism Response, LLC dba Alloy | Non-local | Non-SBE |
| E) Simpson Environmental Services, LLC | Non-local | Non-SBE |
| F) United Restoration of FL, LLC | Non-local | Non-SBE |

SUMMARY: The purpose of this annual contract is to pre-qualify contractors to provide IAQ remediation services on an as-needed basis. The specific requirements of the work shall be determined by individual work orders issued against this annual IAQ remediation contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$3,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual IAQ remediation contract before the term ends. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper, further expanding the bidding pool to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual IAQ remediation contract was presented to the Goal Setting Committee on March 15, 2023 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or a SBE contractor will be given a price preference if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

11. Staff recommends motion to receive and file: a Site Access Agreement with Florida Department of Environmental Protection (“FDEP”) for 2700 6th Avenue South, Lake Worth Beach, FL, FDEP Facility ID: 508623183, which has no fiscal impact on the County, for as long as is necessary to assess, remove, monitor and remediate the contamination to the Property. **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 Site Access Agreement has been fully executed on behalf of the Board of County Commissioners by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. Resolution (R2015-1613) established a new standard form Agreement for use with the Florida Department of Environmental Protection (FDEP) and its contractors to assess, remove, monitor and remediate contamination on County-owned property. The Site Access Agreement is an FDEP standard form, and is required for FDEP to solicit a contractor, who will actually complete the remediation activities. The County enters into a separate Entry Agreement with each contractor before the contractor commences work. The remediation work is done at no cost to the County. The duration of the Site Access Agreement with FDEP is for so long as it is necessary to access, remove, monitor and remediate contamination on the property. The executed documents are now being submitted to the Board to receive and file. (FDO Admin) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

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

12. Staff recommends motion to approve: an Amended and Restated Agreement with the South Florida Fair and Palm Beach County Expositions, Inc. ("Fair") for use of the Fair's Expo Center West building ("Expo Center") for sheltering special needs evacuees during emergencies (also known as the "Special Needs Shelter") through August 21, 2043. **SUMMARY:** On December 15, 1998, the County entered into an agreement (1998 Agreement) with the Fair whereby the County funded a project to retrofit and harden the Expo Center for use as Special Needs Shelter. The 1998 Agreement included the installation of generators and other emergency power equipment (collectively, "Emergency Power Equipment"). The 1998 Agreement expired on December 14, 2018. In 2019, the County entered into an agreement R2019-0504 (2019 Agreement) with the Fair allowing the County to continue to be entitled to exclusive use and possession of the Expo Center immediately prior to, during, and after an emergency event, and required that County pay the Fair for such use. The 2019 Agreement also permitted the County to continue to be able to conduct periodic inspections and tests of the Expo Center and Emergency Power Equipment to ensure operability in case of an emergency event. Under the 2019 Agreement, the County was responsible for: 1) the restoration and repair of any and all damage to the Expo Center; 2) the inspection, maintenance, repair and replacement of the Emergency Power Equipment; 3) all injuries occurring during its use and possession of the Expo Center; and 4) hardening and improving the Expo Center to better support the County's emergency use of the center, if the County so chooses. The County was also responsible for seeking reimbursement from FEMA for any use related restoration costs and emergency sheltering expenses, but remained financially and physically responsible for all restoration/repair damages regardless of FEMA's reimbursement determination. The 2019 Agreement also addressed the July 2018 Emergency Power Equipment fuel tank's release and the subsequent remediation required, and acknowledged that the County would submit an insurance claim against its policy and provide Fair with any insurance proceeds it received as a result of the fuel release insurance claim. This Amended and Restated Agreement incorporates all of these terms from the 2019 Agreement and, for FEMA reimbursement purposes, adds required federal terms and conditions. This Amended and Restated Agreement is for twenty (20) years and the County can terminate for any reason with ten (10) business day's notice to Fair. The annual operating cost to maintain the Emergency Power Equipment is estimated at \$13,540 for FY23. **Funding for the replacement of the Emergency Power Equipment in FY 2023-24 is included in Facilities Development and Operation's (FDO) countywide renewal/replacement capital improvements plan (CIP) request using the Public Building Improvement Fund and Infrastructure Sales Tax Fund.** The costs of the County's possession and exclusive use of the Expo Center during emergency events are determined on a case-by-case basis as per the fee schedule included as Exhibit A to this Amended and Restated Agreement. (FDO Admin) District 6/Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

13. Staff recommends motion to approve: the appointment of:

Grady Cecil Jackson, RES, AAS for a term commencing on August 22, 2023 and ending on September 30, 2026;

Neil Merin for a term commencing on August 22, 2023 and ending on September 30, 2025; and

Irma Qureshi, Esq. for a term commencing on August 22, 2023 and ending on September 30, 2024, to the Palm Beach County Property Review Committee (PRC).

| Appointment Member | Seat No. | Seat Requirement | Term |
|-------------------------------|----------|--|------------------------------------|
| Grady Cecil Jackson, RES, AAS | 1 | Representative from the Palm Beach County Property Appraiser's Office | August 22, 2023-September 30, 2026 |
| Neil Merin | 2 | Representative licensed as a real estate broker with an office in Palm Beach County and expertise in Palm Beach County commercial real estate | August 22, 2023-September 30, 2025 |
| Irma Qureshi, Esq. | 3 | Representative with expertise in land planning, eminent domain and/or real estate who is a licensed attorney with offices in Palm Beach County | August 22, 2023-September 30, 2024 |

SUMMARY: On October 8, 2019, the Board of County Commissioners (Board) adopted Resolution No. 2019-1585, which reestablished the PRC consisting of three (3) members appointed at-large by the Board and its term limits. The PRC has not met since June 2016 and all of the members' terms have since expired. Mr. Jackson, Mr. Merin and Ms. Qureshi have agreed, if appointed, to serve as representatives for Seat Nos. 1, 2 and 3, respectively on the PRC. All seats are for a term commencing August 22, 2023 and are staggered so as to ensure continuity of experienced representation on the PRC. An email dated June 12, 2023 was circulated to the Board requesting support of Mr. Jackson and Ms. Qureshi, or additional nominations. An email dated July 6, 2023 was circulated to the Board requesting support of Mr. Merin, or additional nominations. No additional nominations were received. The nominees are 1 African-American male, 1 Caucasian male, and 1 Asian-American female. (Property & Real Estate Management) Countywide (HJF)

3. CONSENT AGENDA APPROVAL

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

~~14. Staff recommends motion to approve: a Temporary Construction Easement Agreement, in favor of Transit Village, LLC, over the portion of the County's existing Intermodal Transit Center Property, which the County will continue to own, for the purpose of constructing and installing improvements and to stage and store construction materials and equipment during the development and construction of the Transit Village Project. SUMMARY: On August 14, 2012, the County entered into an Agreement for Purchase and Sale (R2012-1158, as amended thrice: R2018-0956; R2020-0517; and R2021-1587; collectively referred to as PSA) with Transit Village, LLC (TV) for the sale of a portion of the County-owned parcel of land at the southeast corner of Banyan Boulevard and Clearwater Drive, which is the current site of the County's Intermodal Transit Center (ITC Property). Pursuant to the PSA, TV is to construct a mixed-use development, including a parking garage on the ITC Property (Project). On June 13, 2023, the Board of County Commissioners (Board) approved the replat of the ITC Property, which was subsequently approved by the City of West Palm Beach City Commission on June 26, 2023. At closing and subsequent to recordation of the plat, the County will convey Tracts 1 and 2 totaling 4.11 acres (Tracts 1 and 2) to TV, together with the air rights commencing 21 feet 4 inches atop Tract 3. The County will maintain ownership of Tract 3. The Temporary Construction Easement (TCE) will allow TV to use the Tract 3 for the purpose of constructing and installing improvements and to stage and store construction materials and equipment during the development and construction of the Project. Consistent with prior Board direction to collaborate with TV toward Project attainment, included as Attachment 3 to this agenda item is an updated detailed summary of eight critical matters that must be addressed prior to closing, actions taken on each to-date and ongoing material matters having potential impact upon the County's real estate and operational best interests. (Property & Real Estate Management) District 2/Countywide (HJF)~~

3. CONSENT AGENDA APPROVAL

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

15. Staff recommends motion to receive and file: Change Order No. 37 to Amendment No. 1 (R2018-2062) to the Construction Manager (CM) at Risk Services contract (R2015-0852) with James B. Pirtle Construction Company, Inc. dba Pirtle Construction Company in the amount of \$56,345.88 for the Palm Beach Sherriff's Office (PBSO) Forensic Sciences & Technology Facility project. **SUMMARY:** On July 7, 2015, the Board of County Commissioners (Board) approved the CM at Risk contract (R2015-0852) with James B. Pirtle Construction Company, Inc. dba Pirtle Construction Company for construction management services for the PBSO Forensic Sciences & Technology Facility project. On December 18, 2018, the Board approved Amendment No. 1 (R2018-2062) in the amount of \$26,305,228, establishing a Guaranteed Maximum Price (GMP) for the construction of an approximately 87,000 square feet secure lab/office/warehouse facility with a vehicle impound lot. Change Order No. 37 to Amendment No. 1 (Change Order No. 37) authorizes labor and materials necessary to provide a desiccant dehumidifier in conjunction with a high efficiency dehumidifier unit including electrical infrastructure. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, when the cumulative value for additional work exceeds the greater of 5% or \$250,000 of the original contract value (Threshold Amount) then an agenda item notifying the Board of the item that puts the cumulative value in the excess category must be presented as a receive and file. To date, the cumulative value of additive change orders, including Change Order No. 37, totals \$276,295.47. This agenda item is being submitted to notify the Board that the cumulative value of changes or additional work is in excess of the \$250,000 Threshold Amount established by PPM CW-F-050. The CM at Risk Services contract with James B. Pirtle Construction Company, Inc. dba Pirtle Construction Company was awarded pursuant to the Small Business Enterprise (SBE) ordinance. The contract established an SBE participation goal of 15%. There is no SBE participation for this change order. To date, the SBE participation for this contract is 21.51%. The CM has an office located in Palm Beach County. **This project is funded by the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

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

16. Staff recommends motion to receive and file: zero-dollar value (\$0) Change Order No. 16 Contingency Use Directive (CUD) No. 8 documenting a decrease in the amount of \$41,250.17 to the contingency fund of Amendment No. 1 (R2020-1812) for the Construction Manager (CM) at Risk Services contract (R2019-0849) with Kaufman Lynn Construction, Inc. for the Canyon District Park project. **SUMMARY:** On December 8, 2020, the Board of County Commissioners (Board) approved Amendment No. 1 (R2020-1812) to the CM at Risk Services contract (R2019-0849) with Kaufman Lynn Construction, Inc. in the amount of \$10,793,121.02, establishing a Guaranteed Maximum Price (GMP) for Phase 1 of the Canyon District Park project. Change Order No. 16 to Amendment No. 1 (Change Order No. 16) authorizes the manual landscape watering and extended property maintenance for the Canyon District Park-Phase 1 project. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 16 is a \$0 CUD Change Order. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. The CM at Risk Services contract with Kaufman Lynn Construction, Inc. was awarded pursuant to the Small Business Enterprise (SBE) ordinance; however, the GMP was subject to the requirements of the Equal Business Opportunity (EBO) ordinance since it was established after January 1, 2019. On October 16, 2019, prior to subcontractor advertisement and bidding, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) to the construction subcontracts of 25% SBE participation, of which 3% must be a Minority Business Enterprise (MBE) African American or Hispanic American. There is no SBE participation for this Change Order. To date, the cumulative SBE participation on this contract is 25.21% with 2.88% MBE participation. Kaufman Lynn Construction, Inc. is a Palm Beach County business. **The funding source for this project is the Infrastructure Sales Tax (IST) Fund.** (Capital Improvements Division) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

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

17. Staff recommends motion to receive and file: Change Order No. 8 to Amendment No. 1 (R2021-1793) to the Construction Manager (CM) at Risk Services contract (R2019-1751) with Kast Construction Company LLC in the amount of \$44,044.22 for the Supervisor of Elections (SOE) Production Facility project. **SUMMARY:** On November 19, 2019, the Board of County Commissioners (Board) approved the CM at Risk contract (R2019-1751) with Kast Construction Company LLC for construction management services for the SOE Production Facility project. On December 7, 2021, the Board approved Amendment No. 1 (R2021-1793) in the amount of \$53,206,963, establishing a Guaranteed Maximum Price (GMP) for the construction of approximately 156,000 square feet of office and warehouse space which will house the SOE administrative office and production facility operations; a multi-story parking garage of approximately 146,000 square feet and additional surface parking for both public and staff use; including all the associated site infrastructure improvements required to support both buildings. Change Order No. 8 to Amendment No. 1 (Change Order No. 8) authorizes labor and materials necessary to lower the garage footer, change light poles, add signage, infill window opening and add a convertor to Modbus. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, when the cumulative value for additional work exceeds the greater of 5% or \$250,000 of the original contract value (Threshold Amount) then an agenda item notifying the Board of the item that puts the cumulative value in the excess category must be presented as a receive and file. To date, the cumulative value of additive change orders, including Change Order No. 8, totals \$274,801.53. This agenda item is being submitted to notify the Board that the cumulative value of changes or additional work is in excess of the \$250,000 Threshold Amount established by PPM CW-F-050. The solicitation for a CM was advertised on July 21, 2019 according to the requirements of the Equal Business Opportunity (EBO) ordinance. The CM has partnered with All-Site Construction Inc., a Minority Business Enterprise (MBE) CM for services in an amount no less than 15% of the CM fees. On July 21, 2021, the Goal Setting Committee established an Affirmative Procurement Initiative (API) of 20% Small Business Enterprise (SBE) participation for the construction phase of the project, of which 8% must be African American or Hispanic American firms. SBE participation for this change order is 28.30%. There is no African American or Hispanic American SBE participation on this change order. To date, the SBE participation for this contract is 23.50%, of which 9.35% is African American or Hispanic American participation. The CM is a Palm Beach County Business. This project is funded by the 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg. Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

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

18. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 9 to the architectural/professional services contract (R2017-0594) with Leo A. Daly Company (Consultant) in the amount of \$246,417 for the Palm Beach Sheriff's Office (PBSO) Headquarters Renewal/Replacement/Renovation (R/R/R) project. **SUMMARY:** On May 2, 2017, the Board of County Commissioners (Board) approved the architectural/ professional services contract (R2017-0594) with the Consultant to provide architectural/professional services for the PBSO Headquarters R/R/R project. Under CSA No. 9, the Consultant will provide the professional services (i.e. design, construction administration services and project close-out support) necessary for the new PBSO Headquarters Data Center Building at the PBSO Headquarters site. The existing Data Center, located in Building A at the PBSO Headquarters, has limited capacity to support the expanded functions required by PBSO. The new PBSO Data Center Building will be an approximately 3,000 square feet standalone building which will be located on the southeast corner of the site. This new PBSO Data Center Building is intended to serve as the primary Data Center with the PBSO Eagle Academy Data Center in Belle Glade serving as the secondary data center. The architectural/ professional services contract for the PBSO Headquarters R/R/R project was awarded under the County's prior SBE program. The Consultant committed to achieving an SBE goal of 26%. The SBE participation on this CSA is 28.02%. To date, the SBE participation on the contract is 40.35%. The Consultant has an office located in Palm Beach County. The PBSO Headquarters Data Center Building is a new project included as part of the proposed FY24 budget with a total appropriation of \$2.1M. In light of the ongoing delays the construction industry is facing, Staff is recommending approval of CSA No.9 now in an effort to keep the project on schedule. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

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

19. Staff recommends motion to approve: a Third Amendment to Communication Tower Agreement with NCWPCS MLPL 29-Year Sites Tower Holding LLC, a Delaware limited liability company (NCWPCS) for the communication tower located at Fire Station No. 15 in Juno Beach, documenting removal of County equipment, replacing certain exhibits to the agreement, modifying the process for approval of equipment alterations and updating standard County provisions. **SUMMARY:** On August 22, 2000, the Board of County Commissioners (Board) approved a 30-year Communication Tower Agreement with NCWPCS (f/k/a New Cingular/AT&T) as amended twice (R2002-1175 and R2011-0610) (collectively, the Agreement) to construct a 95' flagpole communication tower at Fire Station No. 15 located at 12870 US Highway 1 in Juno Beach for both the County and AT&T use. This Third Amendment: a) documents the removal of County equipment; b) replaces Exhibit "C" "Tower Antenna and Frequency List" with Exhibit "C" "Antenna Elevation" updating the tower height to 78 feet; c) modifies Exhibit "D" "Tower Antenna and Frequency List"; d) provides for the Facilities Development and Operations department, Electronic Services and Security Division to approve alterations to antenna equipment; e) requires AT&T to continue to be responsible, and perform all modifications to the Tower needed to support said Alterations, at its sole cost and expense; and f) updates and adds County standard provisions. NCWPCS has demonstrated that these modifications will not adversely affect the structural capacity of the Tower. All other terms of the Agreement remain unchanged. There is no fiscal impact associated with approval of this item. The agreement will continue to be administered by Facilities Development and Operations department. (Property & Real Estate Management) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

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

20. Staff recommends motion to approve: a Ninth Amendment to Communication Tower Joint Use Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) for the County's communication tower site located at Forest Hill Boulevard and the Turnpike, replacing certain exhibits to the agreement, modifying the process for approval of equipment alterations and updating standard County provisions. **SUMMARY:** On July 16, 1996, the Board of County Commissioners (Board) approved the 30-year Communication Tower Joint Use Agreement for the Forest Hill Tower site (R96-972D), as amended multiple times (R2002-0767, R2003-1068, R2006-0352, R2006-0855, R2008-1477, R2012-0888, R2015-1704 and R2018-1364) (collectively, the Agreement). Both the County and AT&T co-locate on this County-owned tower. This Ninth Amendment allows AT&T to: a) replace Exhibit "C" "Tower Antenna Configuration" with Exhibit "C" "Tower Loading Diagram"; b) replace Exhibit "D" "Frequency List" with Exhibit "D" "Forest Hill Tower Antenna Schedule"; c) provides for Facilities Development and Operations department, Electronic Services and Security Division to approve alterations to antenna equipment; d) requires AT&T to continue to be responsible, at its sole cost and expense, for maintenance of the tower and equipment shelter; and e) updates and adds County standard provisions. AT&T has demonstrated that these modifications will not adversely affect the structural capacity of the Tower. All other terms of the Agreement remain unchanged. There is no fiscal impact associated with approval of this item. The agreement will continue to be administered by the Facilities Development and Operations department. (Property & Real Estate Management) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

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

21. Staff recommends motion to approve: a US Army Corps of Engineers (USACE) Consent to Easement (Easement) to improve the existing boat ramp and replace the existing docks at Bert Winters Park (Park) located at 13245 Ellison Wilson Road in Juno Beach. **SUMMARY:** The Park is in the process of being redeveloped, including improvements to the existing boat ramp and the replacement of the docks (collectively referred to as “Boat Facilities”) for the safe use by the public. As the Boat Facilities are partially located within the right-of-way of the Intracoastal Waterway, USACE requires an Easement prior to construction. The Easement is a standard federal form and requires the County agree to limitation of liability language that deviates from the County’s standard requirements. The limitation of liability provides that the USACE will not be responsible for damages to property or injuries to persons that may arise from or be incident to the exercise of the privileges granted in the Easement, arising from USACE activities on or in the vicinity of the easement property. Additionally, the County will hold the USACE harmless from any and all claims. Due to business needs and after advising the Department accordingly, in accordance with PPM CW-F-049, approval has been granted by the Department of Risk Management and the County Attorney’s Office to move the Easement forward for Board of County Commissioner approval. This Easement will be granted with no charge and will supersede and terminate the prior USACE Consent to Easement granted to Palm Beach County in 1991. This item has no fiscal impact. (Property & Real Estate Management) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

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

22. Staff recommends motion to:

- A) **ratify** the Mayor's signature on Roger Dean Chevrolet Stadium (RDCS) Renovation Project (Project) development period reports (Development Reports) No. 1 and No. 2 to the Department of Economic Opportunity (DEO); and
- B) **authorize** the Mayor to execute future Development Reports and annual reports as required under the Spring Training Facility Funding Agreement (R2023-0367) (State Funding Agreement).

SUMMARY: On March 14, 2023, the Board of County Commissioners (Board) approved the State Funding Agreement with the DEO for the RDCS Renovation Project. The State Funding Agreement provides \$50,000,000 of State Funding under Section 288.11631, Florida Statutes, over a 25 year period for the RDCS Renovation Project. Under the terms of the State Funding Agreement, the County must furnish annual reports and, during the development period, must submit periodic Development Reports to the DEO. The Development Reports detail the status of the RDCS Renovation Project and the funds expended to date on the RDCS Renovation Project. The annual reports will include an accounting of all local and state funds expended to date, a cost-benefit analysis of the franchises' impact on the County, a list of material contracts with an estimated cost greater than \$250,000 executed in furtherance of the State Funding Agreement, reports on attendance and advertising efforts at RDCS, and documentation demonstrating that the County continues to meet its certification criteria pursuant to Section 288.11631, Florida Statutes, and remains in compliance with Section 288.11631, Florida Statutes. For the annual reports and the Development Reports, the Mayor must certify that all information and documentation contained in the reports are true and correct. Development Report No. 1 is for the period beginning March 30, 2023 through April 28, 2023 and Development Report No. 2 is for the period from April 29, 2023 through July 27, 2023. Since submitting the Development Reports and the annual reports will be an ongoing requirement, staff recommends the Board authorize the Mayor to sign future Development Reports and annual reports as required under the State Funding Agreement. (FDO ADMIN) District 1/Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

23. Staff recommends motion to:

A) **adopt** a Resolution authorizing an extension of the Concessionaire Lease Agreement with SW Hospitality Group LLC, a Florida Limited Liability Company; and

B) **approve** a Third Amendment to Concessionaire Lease Agreement with SW Hospitality Group LLC, a Florida Limited Liability Company, to retroactively extend the term of the Agreement to July 24, 2024.

SUMMARY: On July 25, 2019, the Board of County Commissioners (Board) approved a Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC (R2019-1060) for a term of three (3) years plus two 2-year options to extend. On August 17, 2021, the Board approved the First Amendment (R2021-1075) approving change in ownership from Osprey Point Restaurant Management, LLC to Thoroughbred Holdings, LLC. The term of the Concessionaire Lease Agreement with Thoroughbred Holding, LLC expired July 24, 2022 during negotiations to sell the business to SW Hospitality Group, LLC (SW Hospitality). SW Hospitality acquired the business on September 1, 2022, which did not allow time to exercise the option to extend. Staff obtained and reviewed documentation finding that SW Hospitality has demonstrated financial viability and preparedness to provide comparable concession services to that provided by the previous concessionaire. On April 18, 2023, the Board approved the Second Amendment (R2023-0496) approving the change of ownership from Thoroughbred Holdings, LLC to SW Hospitality. At that time, Staff inadvertently omitted approval of the exercise of first renewal option by SW Hospitality. This Third Amendment retroactively extends the Concessionaire Lease Agreement from July 25, 2022 to July 24, 2024. All other terms and conditions of 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

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to approve: the nomination of Robin Henderson as Chairperson of the Housing Finance Authority of Palm Beach County, Florida (Authority), for the term of August 22, 2023 through August 21, 2024. **SUMMARY:** Staff recommends Board of County Commissioners' (BCC) approval of the nomination of Robin Henderson as Chairperson of the Authority. At their regular meeting of July 7, 2023, the Authority Board nominated Mrs. Henderson as its Chairperson to serve a second and final term of one (1) year in accordance with Ordinance No. 2002-022, as amended. This Ordinance requires the nomination of the Chairperson to be submitted to the BCC for approval. Countywide (HJF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: appointment of one applicant and reappointment of one applicant to the Building Code Advisory Board (BCAB).

| <u>Appointment</u> | <u>Seat</u> | <u>Requirement</u> | <u>Recommended By</u> | <u>Term</u> |
|----------------------|-------------|--------------------|--|-------------------|
| John Kuntzman | 2 | Building Official | Building Officials Assoc. Of PBC (BOAPBC) | 8/22/23 – 8/21/26 |
| <u>Reappointment</u> | | | | |
| Kristin K. Materka | 12 | Architect | American Institute of Architect, PB Chapter | 8/22/23 – 8/21/26 |

SUMMARY: The Building Code Advisory Board (BCAB) was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years with no limit to the number of terms a member may serve. The Board is comprised of 16 members; one registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects (AIA); one professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society (FES); seven members appointed from nominees submitted by any recognized regional industry trade association; and seven Building Officials, one from each commission district, appointed from nominees submitted by the Building Officials Association of Palm Beach County (BOAPBC). This Advisory Board has 16 seats, 10 currently filled and 6 vacancies, and a diversity count of Caucasian: 8 (80%), Asian-American: 1 (10%) and Hispanic-American: 1 (10%). The gender ratio (male: female) is 9:1. The nominees are Caucasian male and Caucasian female. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Boards diversity. Countywide (RM)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve: appointment of one applicant and reappointment of two applicants to the Construction Board of Adjustments and Appeals (CBAA).

| <u>Appointment</u> | <u>Seat</u> | <u>Requirement</u> | <u>Term</u> | <u>Nominated by</u> |
|--------------------|-------------|-----------------------|---------------------|---------------------|
| William Reicherter | 3 | Electrical Contractor | 08/22/23 - 08/21/26 | Comm. M. Woodward |

| <u>Reappointment</u> | | | | |
|----------------------|---|-----------------|---------------------|----------------|
| Jessica Dornblaser | 4 | Architect | 08/22/23 - 08/21/26 | Self nominated |
| Steven E. Markel | 6 | HVAC Contractor | 08/22/23 - 08/21/26 | Self nominated |

SUMMARY: The Construction Board of Adjustment and Appeals (CBAA) was established by Palm Beach County Ordinance 89-31 and amended in 2002. The term of office for Board members is three years, with a limit of three consecutive three-year terms. The Board is comprised of nine regular members: one architect; one engineer; two Division 1 contractors (general, building, or residential); one electrical contractor; one HVAC contractor; one plumbing contractor; a member at large from the public; and any other contractors licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at large from the public. The Board has 11 seats, 7 currently filled and 4 vacancies, and a diversity count of Caucasian: 5 (72%), African-American: 1 (14%) and Hispanic: 1 (14%). The gender ratio (male: female) is 6:1. The nominees are two Caucasian males and one Caucasian female. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Boards diversity. Countywide (RM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Supplement 1 to the Consultant Services Authorization (CSA) No. 5 to the Consulting/Professional Services for General Utility, Architectural and Value Engineering Services Contract (Contract) with Chen Moore and Associates, Inc. (Consultant) for the Torry Island Force Main Improvements (Project) for a not to exceed amount of \$132,449.22. **SUMMARY:** On December 15, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1891) with Consultant. Supplement 1 to the CSA No. 5 provides for professional consulting services relating to additional topographic survey, construction inspection services and post-construction monitoring and emergency services to meet the South Florida Water Management District (SFWMD) permit conditions associated with the force main interim repairs downstream of the Torry Island lift station. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On October 2, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 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 27.00% SBE participation, which includes 17.00% MBE participation, 17.00% MBE (B). Supplement 1 to the CSA No. 5 includes 30.73% SBE participation, which includes 30.73% MBE participation, 30.73% MBE (B). The cumulative SBE participation including Supplement 1 is 25.99% SBE participation, which includes 11.46% MBE participation, 9.95% MBE (B). Consultant is headquartered in Fort Lauderdale, Florida, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-063) District 6 (MWJ)

2. **Staff recommends motion to approve:** an Easement Agreement for a non-standard Utility Easement (Easement) in the amount of \$5,000 granted by Cemex Construction Materials Florida, LLC (Cemex) to Palm Beach County (County) on property located at 400 SW 16th Street, Belle Glade, Florida. **SUMMARY:** The proposed alignment of a force main transmission main designed by the County crosses a private property owned by Cemex. The easement property serves for the production of ready mix concrete. Cemex agreed to enter into an Easement Agreement and grant County an Easement to construct, access, maintain and repair County's utility facilities in exchange for payment of \$5,000 and certain changes to the County's standard easement. Under the non-standard provisions of the Easement, County acknowledges that the affected area will be restored to equal or better condition and that traffic access will be maintained at all times. The construction will be coordinated with Cemex. Cemex will retain the right of continuing use of the Easement area as an access and other use, which does not impede County's rights spelled out in the Easement. (PBCWUD Project No. 20-026) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

3. **Staff recommends motion to approve:** a Contract for the Lucerne Lakes Valves and Valve Replacement (Project) with Foster Marine Contractors, Inc. (Contractor) in the amount of \$1,496,834. **SUMMARY:** On April 5, 2023, the Palm Beach County Water Utilities Department (PBCWUD) received one (1) bid for the Project. Contractor was determined to be the lowest responsive and responsible bidder in the amount of \$1,496,834. The Project provides for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary for the installation of 16 large diameter valves within Lucerne Lakes' residential community and throughout PBCWUD's service area. The construction services generally consist of the installation of valves on water mains, force mains, and all associated appurtenances. This Project was procured under the requirements of the Equal Business Opportunity Ordinance. On February 1, 2023, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 12% Small Business Enterprise (SBE) subcontracting participation. Contractor has met the established API. The Contract provides for 29.44% SBE participation. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-011) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

4. Staff recommends motion to approve:

- A) Change Order (CO) No. 7 with All Webbs Enterprises, Inc., (Contractor) for the Water Treatment Plant (WTP) Nos. 2, 3, 8, and 9 System-Wide Wellfield Improvements Project Phase 2 (Project) in the amount of \$145,928 and for a Contract project time extension of 793 calendar days; and
- B) Supplement No. 1 to the Consultant Services Authorization (CSA) No. 2 to the Consulting/Professional Engineering Utility Hydrogeologic and Water Resources Engineering Services (Professional Services Contract) with JLA Geosciences, Inc., (Consultant) for Professional Services for Additional Engineering Design, Permitting, and Construction Phase Services in the amount of \$0 and for a project time extension of 150 calendar days.

SUMMARY: On January 6, 2016, the Board of County Commissioners (BCC) approved a Professional Services Contract (R2016-1776) with Consultant. On July 10, 2018, the BCC awarded a Contract (R2018-1017) to Contractor in the amount of \$6,247,790 to rehabilitate four (4) surficial production wells located in Delray Beach and West Palm Beach and the replacement of six (6) surficial production wells located in West Palm Beach and Boca Raton. During Building Department permit close-out of two (2) wells located in West Palm Beach, it was discovered that four (4) electrical panels did not meet the minimum flood elevations required by the Unified Land Development Code Article 18, Section 18.B.3.D. PBCWUD negotiated a settlement letter in which Consultant would provide detailed design, permitting, engineering and inspection services during construction to raise the bottom elevations above the minimum flood elevation. This work will be performed by issuing a zero-dollar cost Supplement for CSA No. 2. As per the settlement letter with Consultant, fees associated with CO No. 7 by Contractor shall be reimbursed by Consultant under CSA 2.1 and shall be provided at zero-cost to the County by Consultant. Districts 2 and 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

5. Staff recommends motion to:

- A) **approve** the Agreement No 4600004795 with the South Florida Water Management District (SFWMD) in the amount of \$5,000,000 for the Green Cay Wetlands 2 mgd Indirect Potable Reuse Project - Water Purification Treatment Plant, 2.3 miles Reclaimed Water main, and 4 Surficial Aquifer Wells (Project); **The agreement is effective as of the date of execution by the Board of County Commissioners and ends March 31, 2026;**
- B) **authorize** the County Administrator, or designee, to execute standard grant agreements, amendments, and all other documents necessary of the grant award that do not substantially change the scope of work, terms or conditions of the agreement; and
- C) **approve** a \$5,000,000 Budget Amendment in the Water Utilities Department Capital Improvement Fund to establish budget for the grant.

SUMMARY: The SFWMD has allotted \$41.5 million to assist local governments, public and private water providers, and other entities with construction and/or implementation of alternative water supply (AWS) or water conservation through the Cooperative Funding Grant Program. This is a portion of the Palm Beach County Water Utilities Department's (PBCWUD) Green Cay Phase 2 Project. The Project funding will include excavation, clearing, and grubbing of the site locations for the Water Purification Facility (WPF) and the lake at Green Cay Park; construction of foundations for the WPF and the Chemical Containment buildings including pipe trenches and erosion control measures; purchase and installation of water mains, WPF yard piping; and installation of electrical duct bank at the WPF. The objectives of the Project are to produce purified water that will be conveyed to the lakes at the park for recreational use and recharge the aquifer. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 20-036) **The \$5,000,000 grant requires a \$5,000,000 (50%) match which will be funded from a one-time expenditure from Water Utilities user fees, connection fees and balance brought forward.** The agreement contains indemnification and liability provisions that differ from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, Risk Management and the County Attorney's Office have reviewed the language and advised the PBCWUD of the associated risks. Due to business needs and the benefits to be derived from the Agreement, Risk Management and the County Attorney's Office have agreed to allow PBCWUD to move the agreement forward for Board of County Commissioner approval.
District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

6. Staff recommends motion to:

- A) Supplement No. 2 to Work Authorization (WA) No. 7, to the Optimization and Improvements Design-Build (Contract) with Cardinal Contractors, Inc., (Design-Build Entity) for the Water Treatment Plant (WTP) No. 3 and Southern Region Operations Center (SROC) Electrical Improvements (Project) in the amount of \$858,884.28; and
- B) A \$350,000 Budget Transfer in the Water Utilities Department Capital Improvement Fund (Fund 4011) reallocated from Lake Region Water Treatment Plant Budget (Unit W026) to establish budget for the project.

SUMMARY: On January 15, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0100) with Design-Build Entity. WA No. 7 provides for the design and construction of electrical improvements at WTP No. 3 and SROC including the replacement of the existing Deep Injection Well (DIW) switchgear, the replacement of the existing SROC switchboard as well as additional related electrical improvements to improve system reliability. Supplement No. 2 is for the design and construction of a 99-foot tall monopole system and antenna to meet all permitting criteria, electrical codes, as per the Palm Beach County Department of Planning, Zoning & Building Department requirements. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2022-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established by the 2002 SBE Ordinance was 15% overall participation. The Contract provides for 31% SBE participation, which include 21% MBE participation, 16% MBE (H) and 5% MBE (O). Supplement No. 2 includes 36.11% SBE participation which includes 7.15% MBE participation, 1.28% MBE (H) and 5.87% MBE (O). The cumulative SBE participation including Supplement No. 2 to WA No. 7 is 41.95% SBE participation which includes 14.01% MBE participation, 0.10% MBE (H), 5.61% MBE (O) and 8.30% MBE (B). Contractor is headquartered in Sunrise, Florida, but maintains an office in PBC from which the majority of the work under this WA will be undertaken. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project 21-054) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

7. Staff recommends motion to receive and file: Four (4) executed Standard Potable Water and Wastewater Development Agreements for the month of April 2023 and the month of May 2023:

- A) Standard Potable Water and Wastewater Development Agreement with Haverhill Three, LLC, SDA #01-01279-000 (District 2), Recorded in OR BK 34300 PG 1543;
- B) Standard Potable Water and Wastewater Development Agreement with R-Hearthstone Lot Option Pool 03, L.P., SDA #02-01172-000 (District 3), Recorded in OR BK 34300 PG 1553;
- C) Standard Potable Water and Wastewater Development Agreement with West Atlantic Business Plaza IIA, LLC and West Atlantic Business Plaza IIB, LLC, SDA #09-01102-000 (District 5), Recorded in OR BK 34253 PG 1257; and
- D) Standard Potable Water and Wastewater Development Agreement with Pebb Atlantic II, LLC and Socro, LLC, SDA #09-01104-000 (District 5), Recorded in OR BK 34300 PG 1563.

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 2, 3, & 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

8. Staff recommends motion to approve: a Contract for the Western Region Wastewater Treatment Facility Operations Building Progressive Design-Build (Contract) with Wharton-Smith, Inc. (Design-Build Entity) in the amount of \$1,925,295. **SUMMARY:** The Contract will provide for Phase 1 pre-construction and future Phase 2 construction services for the Western Region Wastewater Treatment Facility Operations Building (Project). The Project consists of the design and construction of a new two-story Operations Building, an electrical building/room housing 480 volt switchgear and motor control centers, relocation of existing buried pipelines, a new entry way and parking lot, demolition of the existing Operations Building and associated clearwell, and miscellaneous process improvements. Phase 1 pre-construction services include consulting/professional engineering, surveying, permitting, design, stakeholder outreach, grant compliance, scheduling, cost estimating and preparation of the Guaranteed Maximum Price (GMP) to construct the Project. The GMP will provide for all of Phase 2's construction and construction services to build the Project. Once finalized, the GMP will be presented to the Board of County Commissioners for approval through a future amendment to this Contract. On February 7, 2023, the Board of County Commissioners approved the Standard Grant Agreement 22FRP71 (R2323-0169) for \$7,707,222.30 in grant funding from the Florida Department of Environmental Protection Resilient Florida Grant Program (Resilient Grant). Per the March 2, 2022 Goal Setting Committee meeting, an Affirmative Procurement Initiative is not applicable to the Project as the Resilient Grant funded project is precluded from requiring the Equal Business Opportunity Ordinance during the solicitation. The Design-Build Entity is headquartered in Sanford, Florida and maintains an office in Palm Beach County from which the majority of the work under the Contract will be undertaken. The Phase 1 services of the Contract are funded by the Resilient Grant. (PBCWUD Project No. 22-012R) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

9. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 2 to the Contract for Consulting/Professional Services Southern Region Water Reclamation Facility (SRWRF) Process Improvements (Contract) with Hazen and Sawyer, P.C., (Consultant) for the Southern Region SRWRF Process Improvements Detailed Design Services (Project) for a not to exceed amount of \$3,056,630.83. **SUMMARY:** On May 18, 2021, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2021-0690) with Consultant. CSA No. 2 provides for professional engineering services relating to detailed design, permitting, and bidding of the Project including surveying, subsurface utility exploration, geotechnical exploration and the preparation of construction plans and technical specifications. The Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On August 20, 2020 the Goal Setting Committee applied an Affirmative Procurement Initiative of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and 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 29.50% SBE participation, which includes 29.0% M/WBE participation, 19.50% MBE (B), 0.50% MBE (H), 0.50 WBE, and 8.50% MBE (A). CSA No. 2 includes 17.71% SBE participation, which includes 17.71% M/WBE participation, 3.47% MBE (B), and 14.24% MBE (A). The cumulative SBE participation including CSA No. 2 is 17.13% SBE participation, which includes 17.13% M/WBE participation, 3.06% MBE (B) and 14.07% MBE (A). While the Consultant is headquartered in New York, New York, they maintain an office in Palm Beach County from which the majority of the work under this Contract will be performed. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-052) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

10. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 9 to the Consulting/Professional Utility Distribution & Collection System Engineering Services (Contract) with C Solutions, Inc. (Consultant) for Engineering Services During Construction for Kings Point Flanders and Capri Water Main Replacement (Project) for a not to exceed amount of \$204,672. **SUMMARY:** On December 15, 2020 the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1896) with Consultant. CSA No. 9 provides for professional engineering services during construction for the replacement of approximately 19,000 linear feet of water main varying in size within the Flanders and Capri Subdivisions, located in Kings Point residential community in Delray Beach. Services include, but are not limited to, construction management services, field observations, project administration and review of deliverables. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On October 2, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by certified SBE firms. The Contract provides for 83.00% SBE participation which includes 78.00% MBE participation, 76.00% MBE (B), 1.00% MBE (H), and 1.00% MBE (A). CSA No. 9 includes 100% SBE participation, which includes 100% MBE participation, 100% MBE (B), 0.00% MBE (H), and 0.00% MBE (A). The cumulative SBE participation including CSA No. 9 is 87.01% SBE participation, which includes 70.63% MBE participation, 70.63% MBE (B), 0.00% MBE (H), and 0.00% MBE (A). Consultant is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-034) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** Amendment No. 1 to the State of Florida, Department of Environmental Protection (FDEP) Agreement No. 21PB13 (Agreement) for reimbursement of the South Jupiter Feasibility Study (Study). Amendment No. 1 expands the eligible reimbursement period to May 1, 2017, and the termination date to December 31, 2024. **SUMMARY:** On August 17, 2021, the Board of County Commissioners (BCC) approved the Agreement (R2021-1108) providing for reimbursement from FDEP of up to \$133,292 for the Study. Additionally, delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with the Agreement was approved at that time. Amendment No. 1 modifies the eligible reimbursement period from January 1, 2018, to May 1, 2017, and extends the termination date from January 1, 2024 to December 31, 2024. The reimbursement period was changed from January 1, 2018 to May 1, 2017 in order to allow for FDEP reimbursement of eligible expenses that occurred from May 1, 2017 to January 1, 2018. Task Order 1377-01 with Olsen Associates was executed by the BCC May 2, 2017. Between May 2, 2017 and January 1, 2018 \$61,049.75 in eligible expenses were incurred. Without this amendment they would not be reimbursable by FDEP Grant 21PB13. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 1 (SS)

2. **Staff recommends motion to receive and file:** Task Assignment Change Order No. 1, to Task Assignment No. PM2, Contract No. FWC21149 (R2022-0361) with Florida Fish and Wildlife Conservation Commission (FWC), to decrease funding allocation by \$12,000 for fiscal year 2022-2023 for Task PM2. This Change Order No. 1 does not alter the original completion date of June 30, 2023. **SUMMARY:** On April 12, 2022, the Board of County Commissioners approved FWC Contract No. FWC21149 (R2022-0361) (Contract) for aquatic vegetation control services in the following lakes: Clarke, Ida, Osborne, and Pine. This Contract facilitates County treatment and control of aquatic exotic plants within the Chain of Lakes. County work is based on the need for treatment and is reimbursed by FWC. This year our needs were reduced by \$12,000, which FWC is entitled to recover as unexpended funding. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with this Contract was approved at that time. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

3. Staff recommends motion to receive and file: Amendment 1 to the State of Florida, Florida Fish and Wildlife Conservation Commission (FWC) Contract No. 20306 (Contract), for Tarpon Cove Estuarine Habitat Restoration Project (Project) in the Lake Worth Lagoon (LWL), in order to amend the Scope of Work with a one-year extension from June 30, 2023 to June 30, 2024. **SUMMARY:** On June 15, 2021, the Board of County Commissioners approved the Contract (R2021-0821) to construct the Project and authorized the County Administrator, or designee, to sign all future task assignments and minor amendments that do not substantially change the scope of work, terms or conditions of the Contract. Amendment 1 provides a one-year extension from June 30, 2023 to June 30, 2024. To date, the County has received \$709,227 in payments from FWC. The extension will allow the County an additional year to complete the project components to acquire the remaining \$290,771 in reimbursements. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** Districts 2 & 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

4. Staff recommends motion to:

- A) **approve** a Contract with the Lake Worth Lagoon Environmental Defense Fund, Inc. D/B/A LagoonKeepers.org to provide Marine Debris, Derelict Vessel and Floating Structure Removal Services (Contract) for an amount not to exceed \$525,000, beginning August 22, 2023 and ending August 23, 2026;
- B) **adopt** a Resolution authorizing the Clerk of the Court to disburse \$98,800 from the Vessel Registration Fee Trust Fund to cover a portion of the costs associated with the Contract;
- C) **approve** a Budget Transfer of \$98,800 from Environmental Enhancement Saltwater Fund (1224) Reserves to fund a portion of the Contract;
- D) **adopt** a Resolution authorizing the Clerk of the Court to disburse \$68,000 from the Pollution Recovery Trust Fund to cover a portion of the costs associated with the Contract;
- E) **approve** a Budget Transfer of \$68,000 from Pollution Recovery Trust Fund (1227) Reserves to fund a portion of the Contract; and
- F) **authorize** the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract, and any necessary minor amendments that do not substantially change the scope of work or terms and conditions of the Contract.

SUMMARY: The Board of County Commissioners has previously approved three three-year contracts with LagoonKeepers.org to provide marine debris and derelict vessel removal services (R2014-1491, R2017-0565, R2020-0267). LagoonKeepers.org, a Florida not-for-profit corporation, will provide derelict vessel and floating structure removal within County waters, and marine debris removal in ten restoration and living shoreline projects located within Lake Worth Lagoon, namely: Osprey Park, Currie Park, South Cove, Tarpon Cove/Monceaux Park, Palm Beach Resilient Island, Ibis Isles, Grassy Flats, Snook Islands Natural Area, Bryant Park Wetland, and Jewell Cove. The total cost to the County is \$166,800 for marine debris and derelict vessel removal, which shall come from funds obtained through the Vessel Registration Fee Trust Fund and Pollution Recovery Trust Fund. The remaining \$358,200 would be funded through grants or if additional County funds are allocated for derelict vessels and floating structure removal. Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

5. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 0089-01 to Contract (R2023-0089), approved on January 24, 2023 with Coastal Protection Engineering LLC (CPE) for the amount of \$198,911.92, providing for design and permitting services for the Ocean Ridge Shore Protection Project V (Project). **SUMMARY:** The Board of County Commissioners approved the Contract (R2023-0089) with CPE, a Palm Beach County Small Business Enterprise (SBE), on January 24, 2023. This CSA authorizes CPE to conduct engineering analysis, biological assessment, and State and Federal permitting services for the Project. Costs will be funded by the Beach Improvement Fund through Tourist Development Council bed tax revenues and are eligible for up to 50% state cost-share. The Contract requires CPE to adhere to 20% mandatory SBE subcontracting goal as the Affirmative Procurement Initiative. CPE committed to an overall 75% SBE participation in the Contract. SBE participation for this CSA is 81%. District 4 (YBH)

6. **Staff recommends motion to approve:** Change Order No. 3 for Palm Beach County Sawfish Island Restoration Contract No. 2021ERM03 (Contract) with Arbor Tree & Land Inc. (ATL) to extend the Contract by 179 days from March 23, 2023 to September 18, 2023. **SUMMARY:** On December 7, 2021, the Board of County Commissioners (BCC) approved the Contract (R2021-1825) with ATL for a term expiring 210 days from the Notice to Proceed, which was subsequently issued on June 1, 2022. Change Order No. 1 for a time extension of 85 days was authorized on December 21, 2022 through the Contract Review Committee. Change Order No. 2 for a time extension of 30 days was authorized on February 24, 2023, under the authority of the Environmental Resources Management Department Director. Change Order No. 3 for a time extension increases the existing Contract time modifying the current Substantial Completion deadline from March 23, 2023 to September 18, 2023. Change Order No. 3 puts the cumulative time extensions over the 120-day threshold. The time extension allows for sufficient time to address owner-directed changes and minimizes impacts to State-designated Threatened bird species that nested at the project's disposal location. **There is no cost to the County.** District 1 (YBH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve: a First Amendment to Lease Agreement (R2021-0147) between Palm Beach County and the YMCA of the Palm Beaches, Inc. for lease of real property in Lake Lytal Park to comply with state and local ethics codes allowing for County's ticket acceptance and attendance at YMCA stakeholder events. **SUMMARY:** The First Amendment to the Lease Agreement (R2021-0147) expands Section 19.22 - Project Publicity, to allow County representatives reasonable access to key stakeholder events to observe, encourage, and/or monitor the YMCA's programs, procedures, operations, or to discuss the YMCA's projects with YMCA personnel. To encourage and facilitate County's participation in compliance with ethics codes, as part of the consideration for this Agreement, the YMCA shall provide a reasonable number, as determined by the County, of complimentary tickets to key stakeholder events during the term of this Agreement to the County for further distribution to County representatives. The remainder of the original Lease Agreement shall remain in full force and effect. District 3 (AH)

2. Staff recommends motion to receive and file: the following two (2) executed Special Events Rental Agreements:

A) Full-A-Vybez Inc., for the Florida Jerk Festival at John Prince Park, from May 26, 2023 through May 31, 2023. This event generated \$11,426 in revenue, with \$1,426 in direct expenses; thus providing a net fiscal impact of \$10,000; and

B) Sportera Events USA, Inc., for the MUDGIRL Run Palm Beach at Burt Aaronson South County Regional Park, from May 15, 2023 through May 23, 2023. This event generated \$12,805 in revenue, with \$1,105 in direct expenses; thus providing a net fiscal impact of \$11,700.

SUMMARY: These Special Events Rental Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution R2021-1552. The Department is now submitting these Agreements in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. Districts 3 & 5 (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to:

A) accept the donation of \$145,400, which includes \$2,400 for PBC Art in Public Places (AiPP) fees for assistance with exhibit curation, contract management and coordination with Risk Management, from the Friends of the Mounts Botanical Garden, Inc. (Friends) to fund the costs associated with hosting the traveling art exhibit sculptures known as “Origami in the Garden”, by BoxStudio, LLC.; and

B) approve a Budget Amendment in the Cooperative Extension Revenue Fund (Fund 1482) in the amount of \$145,400.

SUMMARY: The Friends voted for Palm Beach County to host and display Artist Kevin Box’s “Origami in the Garden” art exhibition at the Mounts Botanical Garden of Palm Beach County (MBG). The \$145,400 donation is to pay the costs associated with hosting the “Origami in the Garden” exhibit at the MBG from January 7, 2024 through May 12, 2024 and fees associated with AiPP. These costs include payment to the artist, shipping of the exhibit, installation costs, and AiPP fees. The AiPP fee of \$2,400 includes exhibition curation, Risk Management coordination and contract administration. District 2 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) Appointment of one new member to the Criminal Justice Commission for the period August 23, 2023 to December 31, 2025.

| <u>Appoint Nominee</u> | <u>Seat No.</u> | <u>Term to Expire</u> | <u>Nominated By:</u> |
|------------------------|-----------------|-----------------------|----------------------|
| Maria Antuna | 30 | 12/31/2025 | Economic Council |

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 who 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 nominee is a Hispanic female. Countywide (HH)

S. FIRE RESCUE

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

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to:

A) adopt a resolution authorizing the Department of Health, Palm Beach County (Health Department), Division of Environmental Public Health to utilize funds from the Pollution Recovery Trust Fund (PRTF) for the purpose of installing a redundant auxiliary power source for our certified water laboratory, and

B) approve a Budget Transfer of \$83,183 from Pollution Recovery Trust Fund Reserves to the Department of Health Palm Beach County for the installation of a redundant auxiliary power source for our certified water laboratory.

SUMMARY: This resolution authorizes the transfer of \$83,183 from the Pollution Recovery Trust Fund to the Department of Health Palm Beach County for the installation of a redundant auxiliary power source for our certified water laboratory. Countywide (HH)

2. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2023/2024 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement with the Department of Health Palm Beach County (DOHPBC) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This Program is solely supported by motor vehicle license registration fees. The proposed FY 2023/2024 budget for the Air Pollution Control Program from this funding source is \$1,033,307, which is a 3.92% increase from the current year budget. This increase is partially due to the rise of indirect costs. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (HH)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: a First Amendment to the Master Agreement with Comcast which revises some of the terms and conditions of the Master Agreement. **SUMMARY:** On July 11, 2023, the Board of County Commissioners (BCC) approved a Master Agreement with Comcast for the provision of network services (R2023-0959). Comcast required the County to agree to a limitation of liability that deviates from the County's standard requirements. Due to business needs and after advising the Department accordingly, in accordance with PPM CW-F-049, approval has been granted by the Department of Risk Management and the County Attorney's Office to move the Agreement forward for Board of County Commissioner approval. The limitation of liability limits Comcast's liability to the sum total of payments made by County to Comcast during the nine (9) months immediately preceding the event for which damages are claimed. This limitation does not apply to Comcast's indemnification obligations and claims for damage to property or personal injuries arising out of the negligence or willful misconduct of Comcast while on County service location. Comcast cannot make changes directly to their Master Agreement, so the First Amendment is to revise some of the terms and conditions in which the County and Comcast have agreed upon changing in the Master Agreement. Countywide (AH)

X. PUBLIC SAFETY

1. Staff recommends motion to approve: First amendment to the Contract for Professional Consultation and Emergency Services in the areas of veterinary medicine with Veterinary Emergency Group, LLC for relief veterinary services at their facility (R2022-1383) increasing the contract by \$60,000 for a not to exceed amount of \$120,000 for the period November 15, 2022 through November 14, 2023. **SUMMARY:** The Animal Care and Control Division (ACC) is required to provide appropriate and necessary veterinary services for sheltered animals. The contract with Veterinary Emergency Group, LLC enables ACC to provide overnight, after hours emergency veterinary response. The demand for veterinary staff to work after-hours is already high and this contract minimizes overnight after-hour response, which is frequent. The contract amendment does not change the scope of work; however, is necessary to cover the increased activity as staffing shortages continue. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

2. Staff recommends motion to:

- A) **receive and file:** Notice of Contract Termination of Contract for Consulting/Professional Service with the Child Protection Team of Palm Beach, Inc. to provide medical evaluations for children 0-17 years of age who are alleged victims of abuse, neglect, and/or abandonment. (R2022-1300); and
- B) **approve:** Contract for Consulting/Professional Services with Camelot Community Care, Inc. to provide medical evaluations for children 0-17 years of age who are alleged victims of abuse, neglect, and/or abandonment for the period retroactive to August 1, 2023 through September 30, 2026 for a not-to-exceed contract amount of \$832,500.

SUMMARY: Effective June 30, 2023, the Florida Department Health ended the contract with the Child Protection Team of Palm Beach, Inc. (CPT) and entered into a new contract with Camelot Community Care, Inc. to provide medical evaluations for children 0-17 years of age who are alleged victims of abuse, neglect, and/or abandonment, and are referred by law enforcement, the Department of Children and Families, and/or the court. CPT will transition all services to Camelot Community Care, Inc., by July 31, 2023. The contract is retroactive to August 1, 2023 so that Camelot can seek reimbursement for exams completed prior to Contract approval by the Board on August 22, 2023. The County previously contracted with CPT (R2022-1300) and is terminating that contract effective July 31, 2023 as CPT will no longer be funded by the State to perform medical evaluations on children. This new contract with Camelot Community Care, Inc. provides funding for medical evaluations for up to 875 children, per fiscal year, who reside in Palm Beach County. This service will be based on a rate of \$300 per exam for a not-to-exceed amount of \$45,000 for the remainder of fiscal year 2023. The exam rate of \$300 remains the same from CPT to Camelot Community Care, Inc. The remaining years of the contract include a not-to-exceed amount of \$262,500 per fiscal year. A medical evaluation is defined as a complete history and physical examination of a child. Forensic medical evaluations for children who are alleged victims of sexual abuse are excluded from this contract as those exams are funded by the Office of the Attorney General. Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

3. Staff recommends motion to approve: a Contract for Professional/Consultation Services in the area of veterinary and medical services with Humane Society of Greater Jupiter/Tequesta, Inc. dba Furry Friends Adoption, Clinic & Ranch (Furry Friends) for spaying/neutering at risk cats as part of the Countdown 2 Zero (C2Z) initiative in an amount not to exceed \$75,000 beginning August 22, 2023 through August 21, 2024 with automatic renewals for three additional one-year terms. **SUMMARY:** Spaying/neutering at risk animals is part of the overall C2Z program to reduce and/or eliminate euthanasia of adoptable animals. The County currently has one contract each with Peggy Adams Animal Rescue League (PAARL), Tri-County Humane Society, Inc. and Barky Pines for outsourcing sterilization services. A contract with Furry Friends will sterilize at-risk cats in the north county area to include spaying/neutering, receiving analgesia for post-operative support, microchipping, applying topical and injectable parasiticides, vaccinating against rabies and Feline Viral Rhinotracheitis, Calcivirus, and Panleukopenia (FVRCP), and marking with ear tipping and abdominal tattooing. Once at risk cats are sterilized, microchipped, vaccinated/treated and ear tipped and tattooed, they are returned to their original location by community cat caregivers, volunteers, or Furry Friends. This contract will provide sterilization services to 1,000 cats at \$75 per cat. Countywide (SF)

4. Staff recommends motion to approve: Contract for Professional/Consultation Services in the area of veterinary and medical services with Barky Pines Animal Rescue & Sanctuary, Inc. (BPAR) for spaying/neutering at risk cats and adoptable dogs impounded at Palm Beach County Animal Care & Control (ACC) as part of the Countdown 2 Zero (C2Z) initiative in an amount not to exceed \$75,000 beginning August 23, 2023 through August 22, 2024 with automatic renewals for three additional one-year terms. **SUMMARY:** Spaying/neutering at risk animals is part of the overall C2Z program to reduce and/or eliminate euthanasia. The County currently has one agreement each with Peggy Adams Animal Rescue League (PAARL) and Tri-County Humane Society, Inc., for outsourcing sterilization services. Under this contract, BPAR will sterilize at risk cats and dogs in the west county area to include spaying/neutering, receiving analgesia for post-operative support, microchipping, applying topical and injectable parasiticides, vaccinating against rabies, Feline Viral Rhinotracheitis, Calcivirus, and Panleukopenia (FVRCP) for cats and canine distemper, adenovirus, type 2- parainfluenza, parvovirus (DAPPv) for dogs, and marking with ear tipping (for community cats) and abdominal tattooing. Once at risk cats are sterilized, microchipped, vaccinated/treated and ear tipped and tattooed, they are returned to their original location by community cat caregivers, volunteers, or BPAR. Dogs will be made available for adoption through the BPAR network or returned to their owner. This contract will provide sterilization services for up to 1,000 animals, cats at \$75 per cat and dogs at \$100 per dog, with a total cost of no more than \$75,000. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

5. Staff recommends motion to ratify: the Mayors signature on the Sexual Assault Services Formula Grant Program (SASP) application for \$120,000 for an award period of August 1, 2023 through July 31, 2026. **SUMMARY:** The SASP is a three (3) year grant. Up to \$120,000 may be requested for the period of August 1, 2023, through July 31, 2024. Awards for subsequent years are anticipated to be the same or a similar amount. Funds from this grant will be used to provide intervention, advocacy, accompaniment, support services and related assistance to adult, youth and child victims of sexual assault, family and household members and those collaterally affected by the victimization. Partnerships are planned with El Sol and the Guatemala Maya Center to increase outreach to the Hispanic/Latino/a populations. If awarded, the SASP will fund one Sexual Assault Project Coordinator (pay grade 30). As the only Certified Rape Crisis Center in Palm Beach County, the Division of Victim Services assisted 565 victims of sexual assault during the period October 1, 2021, to September 30, 2022. **No County matching funds are required for this grant.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, approving a Standard Grant Agreement (No. VW310) with the State of Florida Department of Environmental Protection (FDEP), in the amount of \$1,800,000, funded by the Diesel Emissions Mitigation Program – Volkswagen Settlement (CSFA 37.102) to provide assistance for the purchase of electric transit buses to replace higher-emitting diesel transit buses. This grant agreement will become effective upon FDEP execution with an expiration date of June 30, 2025; and

B) approve a FY23 Budget Amendment of \$1,800,000 in Palm Tran’s Grant Fund 1341 to recognize the grant award.

SUMMARY: On April 11, 2022, Palm Tran on behalf of Palm Beach County submitted an application for funding under the Electric Transit Bus Program through the FDEP. The program offers reimbursement of \$300,000 per diesel bus replaced with an electric bus. Palm Tran will replace six (6) diesel transit buses, totaling \$1,800,000. The total cost for this project will be \$7,200,000; **the match for this grant is \$5,400,000 and will be provided from funding secured through the Palm Beach Transportation Planning Agency (TPA) Local Initiatives Grant Program (R-2019-0357 and R-2020-0379).** This grant agreement will be of no cost to the County and will become effective upon FDEP execution with an expiration date of June 30, 2025. The grant requires broader indemnification by the County than that approved by PPM CW-F-049. The grant agreement indicates that the County shall be fully liable for the actions of its agents, employees, partners, or subcontractors and requires the County to fully indemnify, defend, and hold harmless FDEP and its officers, agents, and employees from suits, actions, damages, and costs of every name and description arising from or relating to (I) personal injury and damage to real or personal tangible property and (II) the County’s breach of the grant agreement or the negligent acts or omissions of the County. However, this indemnification does not extend to any loss or damages proximately caused by the negligent acts or omissions of FDEP, its employees and agents. Moreover, the agreement does not waive the County’s sovereign immunity or the provisions of Section 768.28, Florida Statutes. The Risk Management Department and County Attorney’s Office have reviewed the indemnification requirements of this grant. Given that liability is limited to County’s non-compliance or performance of this agreement and the statutory caps of Section 768.28, Florida Statutes, Palm Tran recommends Board approval. Countywide (MM)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (cont'd.)

2. Staff recommends motion to: **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the Federal Transit Administration (FTA) mandated Annual Update of the Public Transit Agency Safety Plan (PTASP) for Palm Tran, Inc. **SUMMARY:** Pursuant to FTA's Final Rule on the Public Transportation Safety Program, as published in the Federal Register on August 11, 2016, operators of public transportation systems that receive Federal financial assistance must establish a safety program that meets the requirements detailed in 49 CFR Part 673. The plan has been updated following the established processes and procedures to support the implementation of Safety Management Systems (SMS), a comprehensive, collaborative approach to managing safety. This revision encompasses updates for FY 2021 and 2022.

The document outlines the programs, policies, and/or procedures as it relates to the overall safe operation of Palm Tran, Inc.:

- A) Implementing a realistic and effective Safety Communication Plan (trainings, committees, reporting protocols, electronic messaging etc.).
- B) Developing and implementing a program that communicates the outcomes of our Key Performance Indicators. (Palm Tran PTSTAT program meets this requirement.); and
- C) Palm Tran, Inc. has the commitment from its Executive Director that safety is the cornerstone of the organization. This is achieved by Palm Tran initiating programs that include: 1) Safety Promotion; 2) Safety Risk Management (Safety Risk Identification, Assessment, Mitigation); and Safety Assurance. Countywide (MM)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (cont'd.)

3. Staff recommends motion to approve:

- A) a one (1) year Extension to the Term of Agreement to the Public Transportation Grant Agreement (PTGA) (Contract G1Q76) with the Florida Department of Transportation (FDOT) (CSFA 55.012) which provides operating assistance to fund 50% of a position in Mobility Management; and
- B) the execution and submittal of the Amendment for Extension of Public Transportation Grant Agreement Form to FDOT, requesting to extend the end date of the agreement to September 29, 2024.

SUMMARY: The PTGA is scheduled to expire on September 29, 2023, the agreement has an unliquidated balance of \$36,158.23 that Palm Tran can utilize if the agreement is extended to September 29, 2024. The grant covers 50% of the operating cost incurred for the Mobility Coordinator position that since 2020 has provided public education regarding existing public transportation resources, a campaign that has contributed to the increase in ridership. This grant-funded position will be eliminated when the grant expires. **The extension of the agreement will require a continued 50% (\$36,158.23) match in FY2024.**

- 4. Staff recommends motion to Receive and File: the electronically executed Amendment for Extension of Public Transportation Grant Agreement (PTGA) (FM 444671-1-94-01), Contract G1M89, between the Florida Department of Transportation (FDOT) and Palm Beach County Board of County Commissioners (BCC); dated May 8, 2023, extending the term of the agreement to July 31, 2024. **SUMMARY:** On June 17, 2020, Palm Tran received funding in the amount of \$671,000, from FDOT to assist with the purchase of new scheduling software and supporting equipment for the Go Glades and Paratransit Service. The selected software was acquired at a subscription cost that will fail to utilize the entirety of the grant during the award period. FDOT has approved the purchase of a DriverMate module, which acts as an electronic manifest for drivers allowing for real-time scheduling and trip updates, and improved communication between drivers and dispatch. The procurement, installation and testing of the new module will be completed by the summer of 2024, after the expiration date of the original agreement. This PTGA, scheduled to expire on May 31, 2023, will now have an expiration date of July 31, 2024. The extension of this PTGA will be of **no cost to the County.** Countywide (MM)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: three 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) Prospect Wire 2, LLC, for the promotion of the Prospect Wire Southeast Championships, held from June 3-7, 2023, for the term January 3, 2023 – September 7, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$20,000;
 - B) Florida State Golf Association, Inc., for the promotion of the Florida State Golf Association 106th Amateur Championship, held from June 8-11, 2023, for the term January 8, 2023 – September 11, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$5,000; and
 - C) Prospect Select Baseball, Inc., for the promotion of the Prospect Select – Palm Beach Classic Futures, held from June 9-18, 2023, for the term January 9, 2023 – September 18, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$35,000.

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 Prospect Wire 2, LLC/Prospect Wire Southeast Championships were 1,875, room nights generated for Florida State Golf Association, Inc./Florida State Golf Association 106th Amateur Championship were 540 and room nights generated for Prospect Select Baseball, Inc./Prospect Select – Palm Beach Classic Futures were 6,075. Districts 1,2,7 (YBH)

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 with the Palm Beach County Sports Commission, Inc., for the promotion of the NCAA Division I Women's Golf Regional Championship, held from May 7 – 10, 2023. The term of this agreement is December 7, 2022 – August 10, 2023. This grantee was approved by the Tourist Development Council (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 Palm Beach County Sports Commission, Inc./NCAA Division I Women's Golf Regional Championship were 1,086. District 1 (YBH)

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

A) Spartan Race, Inc., for the promotion of the Palm Beaches Spartan Sprint Weekend, held from April 21 – 22, 2023, for the term October 21, 2022 – July 22, 2023. This grantee was approved by the TDC on December 8, 2022, in the amount of \$20,000; and

B) Foster Events Group, LLC., for the promotion of the Delray Beach Pickleball Open, held from May 10 – 14, 2023, for the term December 10, 2022 – August 14, 2023. This grantee was approved by the TDC on December 8, 2022, in the amount of \$17,500.

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 Spartan Race, Inc./Palm Beaches Spartan Sprint Weekend were 4,179, and room nights generated for the Foster Events Group, LLC/Delray Beach Pickleball Open were 1,740. Districts 5 & 7 (YBH)

3. CONSENT AGENDA APPROVAL

DD. OFFICE OF EQUAL BUSINESS OPPORTUNITY

1. Staff recommends motion to approve: the appointment and reappointment of the following individuals to the Equal Business Opportunity Advisory Committee (EBOAC) for the seats and terms indicated below.

| APPOINTMENT | SEAT | DESIGNATION | TERM | NOMINATED BY |
|----------------------------|------|------------------------------------|-------------------|--|
| Christine D. Roberts-Kelly | 1 | Certified Black Bus. Owner | 8/22/23 – 8/21/26 | Mayor Weiss Commissioner Barnett Commissioner Woodward Commissioner Bernard |
| REAPPOINTMENT | SEAT | DESIGNATION | TERM | NOMINATED BY |
| Lorna Anderson | 15 | Professional Services Organization | 9/12/23 – 9/11/26 | Commissioner Marino |

SUMMARY: The EBOAC is established pursuant to Section 2-80.28(f) of the Palm Beach County Code. The Committee consists of fifteen members representing one African American business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. On June 1, 2023 and July 13, 2023, a memo was sent to the Board of County Commissioners requesting approval of the nominations. No other nominations were received. The Committee seat terms are for three years, and the Committee reviews and evaluates the effectiveness of equal business opportunity programs within County Government. Upon approval of the new appointment and reappointment, the diversity count will be African American: 7 (46.0%), Caucasian: 6 (40.0%), and Hispanic: 2 (13.0%). The gender ratio (female: male) is: 9:6. The nominee for reappointment is Lorna Anderson; African-American female. The nominee for new appointment is Christine D. Roberts-Kelly; African-American female. Countywide (RS)

3. CONSENT AGENDA APPROVAL

DD. OFFICE OF EQUAL BUSINESS OPPORTUNITY (cont'd.)

2. Staff recommends motion to approve: payment in the amount of \$9,000 for participation in the 17th Annual Palm Beach Partners Business Matchmaker Conference & Expo, which will be held on September 22, 2023. **SUMMARY:** The Palm Beach County Office of Equal Business Opportunity, Department of Airports, Department of Housing and Economic Development, and Palm Tran are partnering with the South Florida Water Management District (SFWMD), the School District of Palm Beach County, the City of West Palm Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center), and the Solid Waste Authority (SWA) to present the 2023 Business Matchmaker Conference & Expo. This is the 17th Annual Matchmaker Conference & Expo held in Palm Beach County. Palm Beach County will contribute a total of \$9,000 with the County's contribution broken down as follows: the Office of Equal Business Opportunity – \$2,250, Department of Airports – \$2,250, Department of Housing and Economic Development – \$2,250, and Palm Tran – \$2,250. Payment will be made on or before August 28, 2023, to the TED Center, the fiscal agent for the conference. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental and non-profit partners. Countywide (RS)

EE. SHERIFF

1. Staff recommends motion to:
 - A) **accept** on behalf of the Palm Beach County Sheriff's Office a Memorandum of Agreement (MOA) with the City of Miami for a FY22 Urban Area Security Initiative (UASI) Grant in the amount of \$1,518,726 for the period of July 18, 2023 through June 30, 2024, and

B) approve a Budget Amendment of \$1,518,726 in the Sheriff's Grant Fund.

SUMMARY: On July 18, 2023, the Palm Beach County Sheriff's Office (PBSO) received notification of a grant award in the amount of \$1,518,726 for the FY22 Urban Area Security Initiative (UASI) Grant Program. The UASI is a federally-funded homeland security grant program, pass-through the State of Florida to the City of Miami, as the UASI's fiscal agent. The funds will be used for various domestic security initiatives within the County and the Southeast Florida Region 7, including intelligence operations, cyber security training, and equipment for our specialty teams. **There is no match requirement associated with this award.** The Catalog of Federal Domestic Assistance (CFDA) number is 97.067 and the contract number is R0588. Countywide (RS)

3. CONSENT AGENDA APPROVAL

EE. SHERIFF (cont'd.)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a Contract Between the State of Florida, Department of Children and Families (Department) and the Palm Beach County Sheriff's Office for a STOP VAWA Formula Grant Program award in the amount of \$313,600 for the period July 1, 2023 through June 30, 2025; and

B) approve a Budget Amendment of \$313,600 in the Sheriff's Grants Fund.

SUMMARY: On June 27, 2023 the Palm Beach County Sheriff's Office received a STOP VAWA Formula grant. These funds will be used to hire one full time detective who will be assigned to the Special Investigations Division (SID) to investigate domestic violence and sex crimes against victims ages 11 years of age and older. The grant will also provide Trauma Informed Training for staff and Victim Services for persons identified through the grant project. The PBSO will be reimbursed for costs totaling \$313,600. The PBSO is required to provide a minimum 25% match (\$105,003); PBSO is providing match in the amount of \$106,410, slightly exceeding the match requirement based on project needs, through its approved operating budget. One PBSO position is created with this action. An increase in funding from the County will be requested through our annual budget process once the grant ends. The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 16.588 and Contract No. is LN265. Countywide (RS)

3. CONSENT AGENDA APPROVAL

EE. SHERIFF (cont'd.)

3. Staff recommends motion to:

A) receive and file the first, second, third and fourth FDLE quarterly disbursements; and

B) approve a Budget Amendment to increase the grant award from \$300,000 to \$323,845 in the Sheriff's Grant Fund.

SUMMARY: The Florida Department of Law Enforcement (FDLE) provides state financial assistance to five locally-funded laboratories in the State of Florida, including Palm Beach County. The Palm Beach County Sheriff's Office (PBSO) operates the Palm Beach County Crime Laboratory. The grant award was accepted by the BOCC on December 20, 2022 (R-2022-1549). Since the total award is not known in advance, \$300,000 was budgeted in the Sheriff's Grant Fund. The total final disbursement amount received is \$323,844.14. Thus, the budget needs to be amended to increase the grant award by \$23,845. **There is no match requirement associated with this award.** The Catalog of State Financial Assistance (CSFA) number is 71.002 and the grant agreement number is 2L004. Countywide (RS)

4. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Letter of Donation from the Palm Beach County Police Athletic League, Inc., for a donation in the amount of \$40,000, for the period of July 12, 2023 through September 30, 2023, and

B) approve a Budget Amendment of \$40,000 in the Sheriff's Grant Fund.

SUMMARY: On July 12, 2023, the Palm Beach County Police Athletic League (PAL) provided a letter of donation to the Palm Beach County Sheriff's Office (PBSO) to offset the cost of an industrial fan which will provide comfort for youth participating in recreational activities and educational programming at the Cabana Colony Youth Center. There is **no match requirement** associated with this donation. There is no CFDA or contract number associated with this donation. Countywide (RS)

3. CONSENT AGENDA APPROVAL

EE. SHERIFF (cont'd.)

5. [Staff recommends motion to: receive and file](#) Modification #3 to the FY21 Urban Security Area Initiative (UASI) Memorandum of Agreement between the City of Miami and the Palm Beach County Sheriff's Office, which extends the grant period from October 31, 2023 through December 31, 2023. **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 (R-2022-1008). On April 18, the BCC accepted \$30,000 in supplemental funds (R-2023-0526). On July 11, 2023, the BCC approved an extension through October 31, 2023. This agenda item will extend the period of performance through December 31, 2023. **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).

3. CONSENT AGENDA APPROVAL

EE. SHERIFF (cont'd.)

6. Staff recommends motion to approve: a Budget Transfer of \$877,200 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Section 932.7055(5), Florida Statutes; provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. Section 932.7055(5), Florida Statutes; also requires that no less than 25% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2023 donation requirement is \$230,119. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$2,541,084. The funds requested are to aid PBSO and qualified organizations that meet the requirements set forth in Section 932.7055(5), Florida Statutes. Use of LETf requires approval by the Board of County Commissioners, upon request of the Sheriff. The current State LETf balance is \$2,492,987. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,615,787. The PBSO certifies that the use of these funds is in accordance with Section 932.7055(5), Florida Statutes. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (RS)

3. CONSENT AGENDA APPROVAL

EE. SHERIFF (cont'd.)

6. SUMMARY (cont'd.)

| ORGANIZATION | AMOUNT |
|--|------------------|
| 211 Palm Beach/Treasure Coast, Inc. | \$55,000 |
| Alzheimer's Community Care, Inc. | \$10,000 |
| Bella's Angels, Inc. | \$50,000 |
| Big Dog Ranch Rescue, Inc. | \$25,000 |
| Boys & Girls Clubs of Palm Beach County, Inc. | \$107,200 |
| Center for Family Services of Palm Beach County, Inc. | \$10,000 |
| Clinics Can Help, Inc. | \$15,000 |
| Fiesta de Pueblo, Inc. | \$20,000 |
| Florida Alliance to End Human Trafficking, Inc. | \$25,000 |
| Florida Fishing Academy, Inc. | \$5,000 |
| Girl Scouts of Southeast Florida, Inc. | \$50,000 |
| Inner City Innovators, Inc. | \$40,000 |
| Latin Quarter of West Palm Beach, Inc. | \$25,000 |
| Little Smiles, Inc. | \$25,000 |
| Mental Health Association of Palm Beach County, Inc. | \$10,000 |
| Operation 300, Inc. | \$200,000 |
| PACE Centers for Girls, Inc. | \$15,000 |
| Palm Beach County Board of County Commissioners – Consumer Affairs | \$15,000 |
| Palm Beach County Sheriff's Foundation, Inc. – Scholarships | \$50,000 |
| Speak up for Kids of Palm Beach County, Inc. | \$125,000 |
| | |
| Total Amount | \$877,200 |

3. CONSENT AGENDA APPROVAL

FF. WESTGATE/BELVEDERE HOMES CRA

- 1. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for the year 2023.

| <u>Board Member</u> | <u>Office</u> |
|---------------------|---------------|
| Ronald Daniels | Chair |
| Joanne Rufty | Vice-Chair |

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) At-Large members from residents and local businesses within the CRA boundaries. At the June 12, 2023 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be 12 months, beginning on the date of approval. Districts 2 & 7 (DL)

- 2. Staff recommends motion to approve: the following appointments to the Westgate CRA Board:

| <u>Seat No.</u> | <u>Appointment</u> | <u>Seat Requirement</u> | <u>Nominated By</u> | <u>Term Ending</u> |
|-----------------|---------------------------|-------------------------|---|--------------------|
| 4 | Teliska Jackson-Wolliston | Resident | Mayor Gregg K. Weiss Comm. Maria G. Marino Comm. Mack Bernard Comm. Baxter | 5/31/2027 |
| 5 | Ruth Haggerty | Owner | Mayor Gregg K. Weiss Comm. Maria G. Marino Comm. Mack Bernard Comm. Baxter | 5/31/2027 |

SUMMARY: The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate CRA) Board consists of seven (7) At-Large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners appoint the Westgate CRA Board Members. After duly advertising, the Westgate CRA held its meeting on July 10, 2023 to nominate candidates to fill seat 4 and 5. Telisa Jackson-Wolliston, a resident, has expressed a willingness to be on the CRA Board in Seat 4. Ruth Haggerty, an owner, has expressed a willingness to remain on the CRA Board in Seat 5. This Advisory Board has 7 seats, 7 filled and 0 vacancies, and a diversity count of Caucasian: 5 (71%), Asian-American: 0 (0 %) and Hispanic-American: 0 (0%), African American: 2 (29%). The gender ratio (male: female) is 4:3. The nominees are 1 (reappointment) Caucasian female and 1 African American female. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Boards diversity. District 2 & 7 (DL)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A)** Proclamation declaring August 2023 as Florida Water Professional Month. (District 1)
- B)** Certificate of Congratulations presented to the National Council on Compensation Insurance on its 100th Anniversary. (District 4)
- C)** Proclamation declaring August 2023 as Palm Beach County LIHEAP Awareness Month. (District 1)
- D)** Proclamation declaring August 22, 2023 as Sophia Wisdom Day. (District 5)
- E)** Proclamation declaring September 2, 2023 as Palm Beach Partners Business Matchmaker Conference and Expo Day. (District 3)
- F)** Proclamation declaring August 2023 as Together for Sharon Month. (District 5)

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

A. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: an Ordinance amending Chapter 23, Article 1, Section 23-1 (Five Year Road Program); amending Chapter 23, Article 1, Section 23-2 (Review of Implementation, Etc.: Suspension of Article VI); Providing for severability; Providing for Repeal of Laws and Ordinances in Conflict; Providing for Inclusion in the Code of Laws and Ordinances; Providing for a Savings Clause; Providing for Captions; and Providing for an Effective Date. **SUMMARY:** On July 11, 2023, the Board of County Commissioners (BCC) approved this Ordinance amending the Five Year Road Program on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Currently, the Five Year Road Program (Program) is separate from the budget process. This amendment will include the Program with the Palm Beach County (County) Capital Improvement Program (CIP) in the County's budget, and eliminate the need for the mid-year adjustment. In order to comply, County Code Chapter 23, Article 1, Sections 23-1 through 23-2 (Ordinance) must be amended to reflect these changes. The proposed amendments to the Ordinance provide that beginning with fiscal year 2024, the County Administrator or designee are to include the Program in the CIP and in the budget presentation to the BCC. BCC approval of the CIP, as part of the adopted County budget for a given fiscal year shall constitute approval of the Program for that fiscal year (Approved Program FY). Further, the proposed amendments will allow the BCC to direct the Department to utilize the most restrictive and allowable revenue source first and then the next restrictive and allowable revenue source until a project is funded. This funding process will promote efficient completion of projects on the Program. Section 23-1 (f) of the amended Ordinance provides that the BCC, by Resolution, may make certain changes to the Approved Program FY to promote a more efficient construction of the road projects. As the Program will now be presented to the BCC, which will be reviewing and approving projects for the upcoming fiscal year, as part of BCC approval of the County fiscal year budget, a separate Oversight and Advisory Committee is not needed and the requirement for that will be removed from the Ordinance. The Ordinance will continue to provide for a method of prioritizing roadway improvements based on engineering consideration. Countywide (YBH)

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

B. COUNTY ATTORNEY

1. Staff recommends motion to approve: preliminary reading and permission to advertise for public hearing on September 19, 2023 at 9:30 A.M. an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Chapter 14, Article II, Section 14-82, et seq., Palm Beach County Code, Ordinance No. 2022-027, “Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance”; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; and providing for effective date. SUMMARY: On September 13, 2022, the Palm Beach County Board of County Commissioners (BCC) enacted Chapter 14, Article II, Section 14-82, et seq., Palm Beach County Code, Ordinance No. 2022-027, referred to as the “Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance” (Ordinance). On March 3, 2023, the Florida House of Representatives filed HB 1417, referred to as the “Residential Tenancies Bill”. On the same day, a similar bill, SB 1586, was filed by the Florida Senate. On June 29, 2023, the Residential Tenancies Bill was signed by Governor Ron DeSantis and became law. The new law preempts to the state the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Residential Tenancies part of Chapter 83, Florida Statutes. Section 83.425, Florida Statutes supersedes any local government regulations on matters including, but not limited to: the screening process used by a landlord in approving tenancies; security deposits; rental agreement applications and fees associated with such applications; terms and conditions of rental agreements; the rights and responsibilities of the landlord and tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; or notice requirements. The law also amends Section 83.57, F.S. by extending the notice required for termination of month to month tenancies from 15 days to 30 days, and amends Section 83.575(1), F.S. by changing the notice required for termination of tenancies with specific duration to provide that such tenancies may not require less than 30 days' notice or more than 60 days' notice of termination from either the tenant or the landlord. This law became effective on July 1, 2023. Countywide (MM)

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

C. PALM TRAN

1. Staff recommends motion to approve:

- A) The Program of Projects (POP) and Grant Application 1098-2023-2 for Section 5307 (CFDA 20.507) and Section 5339 (CFDA 20.526) GY2023 grant allocations from the Federal Transit Administration (FTA). The Palm Beach County Board of County Commissioners (BCC) was allocated \$25,411,374, of which \$23,415,291 are Section 5307 funds and \$1,996,083 are Section 5339 funds; This is a cost reimbursable agreement that will become effective upon FTA Award and with an anticipated end date of May 31, 2029;
- B) The filing of Standard Form LLL - Disclosure of Lobbying Activities;
- C) The Authorization for the County Administrator or designee to execute on behalf of the BCC, and to transmit electronically the BCC's approval of the Grant Application, award and the resulting grant agreement; that do not substantially change the scope of work, terms or conditions of the agreement;
- D) A Budget Transfer of \$11,501,606, in Palm Tran's Operations Fund 1340, to increase the transfer from Palm Tran's Grant Fund 1341 and reduce the transfer from the General Fund 0001;
- E) A Budget Transfer of \$11,501,606, in the General Fund 0001 to reduce the transfer to Palm Tran's Operating Fund 1340 and increase Contingency Reserves; and
- F) An upward Budget Amendment of \$25,411,374, in Palm Tran's Grant Fund 1341 to recognize the actual grant allocation for GY2023 as detailed in grant application 1098-2023-2.

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

C. PALM TRAN (cont'd.)

1. **SUMMARY:** The FTA distributes Section 5307 and 5339 grant funds to provide capital and operating assistance for public transportation projects. The GY2023 allocation will fund items necessary for the continued operations of the Palm Tran system. The FTA encourages the submittal of multi-source funding (Super-Grant) grant applications to consolidate allocations for Fixed Route capital projects. This allocation includes the following: \$10,000,000 to replace fixed-route buses that have reached their useful life; \$2,000,000 to replace paratransit vehicles that have reached their useful life; \$1,000,000 for General Planning Consulting contracts; \$500,000 for tires; \$409,768 for safety and security projects; \$2,114,901 for operating Paratransit service, and \$9,386,705 for Preventive Maintenance. The GY2023 allocations have a **match requirement of \$6,352,843 or 20%** of the total project cost. The source of the matching funds comes from Toll Revenue Credits provided by the Florida Department of Transportation (FDOT). The grant application also requires the execution of the Disclosure of Lobbying Activities, Form LLL. No County funds are required. Countywide (MM)

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6. REGULAR AGENDA

A. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: The Irrevocable Letter of Direction (Directive) with Municipal Contractors, Inc. (MCI) for the Clint Moore Road at Jog Road Intersection Improvements contract dated July 13, 2021 in the amount of \$894,568.50 (R2021-0876); the Gateway Boulevard and Military Trail Intersection Improvements contract dated July 13, 2021, in the amount of \$1,360,995 (R2021-0878); and the Hypoluxo Road and Jog Road Intersection Improvements contract dated July 13, 2021, in the amount of \$1,913,198.65 (R2021-0877) (Projects). **SUMMARY:** Palm Beach County received the Directive from MCI, in which MCI directs that any and all payments due or to become due of any kind or nature on account of the Projects be made payable to Old Republic Surety Company (Surety). All such check payments should be forwarded directly to the Surety via mail. The Directive is irrevocable by MCI without the written consent of the Surety. MCI requests the Board of County Commissioners' acknowledgement and acceptance of this agreement. District 2, 3 & 4 (YBH)

6. REGULAR AGENDA

B. LIBRARY

1. **Staff recommends motion to approve:** The County Library's FY2024 – FY2028 Strategic Plan and FY2024 Action Plan. **SUMMARY:** This Plan represents the Library's mission statement, goals and objectives, and strategic plan for FY2024 through FY2028. This process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid grant funds and with the County's budget process. The Library Advisory Board endorsed this Plan with Resolution 23-01, dated July 10, 2023. The Plan for FY2024 - FY2028 has undergone a complete revision to address community needs by reflecting recent changes, including those brought about by the COVID-19 pandemic, along with the public's demand for electronic resources and access to evolving technology, and population growth. While continuing to meet the needs of those who seek traditional services and resource formats, the Library also recognizes the demand for new technology, and for the Library to take a more active role in serving as a bridge to connect Library members with the community services they require.

Highlights of the Plan for FY 2024 include:

- A) Engaging our communities and partners by promoting and enhancing the role of the Library and offering services beyond the Library's walls;
- B) Providing free access to resources and services that reflect and engage Palm Beach County's diverse communities and people;
- C) Offering a diverse range of activities designed to enrich, stimulate and engage members from early literacy through adulthood;
- D) Providing a welcoming environment, both physically and virtually, to spark creativity, stimulate thoughtful conversation and encourage collaboration; and
- E) Serving as a bridge for community members to access social services.

Countywide (AH)

6. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$54,616 for the full satisfaction of two code enforcement liens entered against Top Cut Lawn Services North, LLC on July 10, 2019. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) executed an order on August 24, 2018 for two adjacent properties owned by Top Cut Lawn Services North, LLC (Top Cut Lawn), giving it until February 28, 2019 to bring their property located at 6723 Park Ln W and 6845 Park Lane Rd, Lake Worth, Florida into full code compliance. The two properties were cited for landscape service operations without zoning approval and construction without a building permit. Compliance with the CESM's order was not achieved, and a fine of \$250 per day for each case/property was imposed. The CESM executed two orders imposing the code liens against Top Cut Lawn Services North, LLC on July 10, 2019. The Code Enforcement Division (Code Enforcement) issued affidavits of compliance for both properties on April 18, 2022. The total fine on January 5, 2023 was \$546,157.10, the date on which settlement discussions began. Top Cut Lawn has agreed to pay Palm Beach County \$54,616 (10%) for full settlement of its outstanding code enforcement liens. District 6 (RS)

6. REGULAR AGENDA

D. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to:

- A) **approve** a HOME Investment Partnerships Program (HOME) award of \$1,000,000 to ND Flex, LLC;
- B) **direct** staff to negotiate the Loan Agreement; and
- C) **authorize** the County Administrator, or designee, to execute the Loan Agreement, amendments thereto, and all other documents necessary for project implementation that do not substantially change the scope of work, terms, or conditions of the award.

SUMMARY: On May 10, 2023, the Department of Housing and Economic Development (HED) issued Request for Proposals HED.2023.3 (RFP) making up to \$1,000,000 in Federal HOME funding available for a Local Government Area of Opportunity Funding (LGAOF) loan contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. Per FHFC rules, the LGAOF contribution may only be made to one (1) project. A selection committee consisting of three (3) voting members met at a public meeting held on July 6, 2023, and recommended funding of a \$1,000,000 loan to developer ND Flex, LLC, (an affiliate of McCurdy Senior Housing Corp. and The Rich Family Holdings, LLLP) for Waterview Apartments, an affordable rental development for the elderly to be located at the 4420 West Tiffany Drive in the Town of Mangonia Park. The project will consist of ~~438~~ 113 one-bedroom newly constructed apartments as follows: ~~24~~ 18 units for 30% of Area Median Income (AMI), and ~~417~~ 46 units for 60% AMI, 27 units for 80% AMI, and 22 market rate units. The project will include 51 HOME-assisted units, including 11 units of which will be set aside for 30% AMI and 40 units for 60% AMI. The County funding contribution equates to \$19,608 per HOME-assisted unit. The HOME-assisted units will remain affordable for no less than 50 years. The total cost of development is ~~\$47.2~~ \$42.3 million. The HOME award is contingent on FHFC approval of 9% Housing Credits for Waterview Apartments, which will provide an estimated ~~\$35~~ 26.6 million in tax credit equity toward the project. If the 9% Housing Credits are not approved by FHFC, the HOME award to ND Flex, LLC will be automatically cancelled and the HOME funds will be reprogrammed. The Loan Agreement and related documents pursuant to these HOME funds will be between the County and ND Flex, LLC (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator, or designee, to execute the Loan Agreement and related documents. **These are Federal HOME Program grant funds which require a 25% local match provided by State SHIP grant funds.** District 7 (HJF)

6. REGULAR AGENDA

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

2. Staff recommends motion to approve:

- A) a waiver of the statutory requirement, by a majority vote plus one, that one of the two public hearings to be held on October 17, 2023 and November 21, 2023, be held after 5:00 p.m., to consider the designation of three parcels located at 9845 and 9905 Clint Moore Road, unincorporated Palm Beach County, Florida, further identified by Parcel Control Numbers 00-42-43-27-05-070-1130, 1160 and 1170 (the "Subject Site"), as a Brownfield Area pursuant to Section §376.80(2)(c), *Florida Statutes*; and
- B) the advertising of public hearings on Tuesday, October 17, 2023 at 9:30 a.m. and Tuesday, November 21, 2023 at 9:30 a.m. to consider the designation of the Subject Site as a Brownfield Area pursuant to Section §376.80(2)(c), *Florida Statutes*, which shall hereafter be known as the Verde Commons Green Reuse Area.

SUMMARY: On July 15, 2023, Toll Brothers, Inc. ("Toll Bros."), as contract purchaser, and the owners, Westside Farms, Inc. and 7 T's Enterprises, Inc., submitted an application to the Department of Housing and Economic Development to designate the Subject Site 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 Site supports a 163,093 square foot produce packing plant and cold storage facility, agricultural equipment and commercial vehicle storage, row crops, and related uses, and is impacted by arsenic and dieldrin in the soil and groundwater. The rezoning of the 37.4 acre site was approved by the Board of County Commissioners at the November 28, 2022 BCC Zoning Hearing (Resolution R-2022-1414), with a concurrent future land use amendment (Ord. 2022-031), which would allow for the development of up to 75 residential dwelling units. Toll Bros. is seeking a "Brownfield Area" designation under Florida's Brownfields Redevelopment Act, prior to redevelopment of the Subject Site with 70 single family dwelling units and a 0.66-acre recreation area. **No County funds for implementation are required. This item requires a supermajority vote (5 votes).** District 5 (DB)

6. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) **adopt** a Resolution amending Resolution R89-576, which created the Pollution Recovery Trust Fund (PRTF), to establish procedures for separation, distribution, and responsibility of collecting fees for the PRTF; and

B) **approve** a Budget Transfer of \$21,588 from the PRTF 4227 to reserve account (3171) in the amount of \$17,271 for to the Department of Environmental Resources Management (ERM) PRTF reserves, and to ~~reserve account (3170) in the amount of \$4,317 for to~~ the Florida Department of Health in Palm Beach County (DOH) PRTF reserves.

SUMMARY: On April 4, 1989, the Board of County Commissioners (BCC) adopted Resolution R89-576 establishing the Palm Beach County (PBC) PRTF, a local fund to deposit monies collected by ERM and DOH through various enforcement actions to enhance PBC's environmental resources and pollution control activities. The PRTF is to be kept and maintained in trust by the BCC. The BCC receives and considers recommendations to disburse PRTF funds for projects proposed by the Director of ERM and the Director of DOH. Currently, both Directors must sign off on every PRTF disbursement request, even when the disbursement is for a project under one of the entities. This Resolution will establish procedures for separation, distribution and responsibility of collection of fees for the PRTF to avoid requiring both Departments to sign off on every disbursement. Funds collected pursuant to consent agreements entered into by the ERM Director, and administrative penalties levied by the Groundwater and Natural Resources Protection Board (GNRPB) (ULDC Article 2, 14 and 15) for violations associated with county codes and ordinances, including Petroleum Storage Systems, Petroleum Contamination Cleanup Criteria, Wellfield Protection, Mining and Excavation, Storm Water Pollution Prevention, Sea Turtle Protection and Sand Preservation, and Vegetation Preservation and Protection will be deposited in the ERM specific account within the PRTF, Fund 4227, Unit Code 3171, and managed by the Director of ERM, or designee; and ERM will recommend disbursements of these funds to the BCC.

6. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

1. **SUMMARY (cont'd.)** Funds collected pursuant to consent agreements entered into by the DOH Director, and penalties levied by the Environmental Control Hearing Board (ECHB) (ULDC Article 2, 14 and 15) for violations due to noncompliance with septic tank, sewage and water, and air pollution program health regulations will be deposited in the DOH specific account with the PRTF, Fund 1227, Unit Code 3170, and managed by the Director of DOH, or designee; and DOH will recommend disbursements of these funds to the BCC. Moreover, this agenda item will transfer funds from the current remaining PRTF general reserves of \$21,588 to separate PRTF reserve accounts established specifically for ERM and DOH. Historically, ERM has contributed 80% of funds and DOH has contributed 20% of funds into the PRTF. Therefore, of the remaining \$21,588 in reserves, ERM's PRTF reserve account will receive \$17,271 (80%) and DOH's PRTF reserve account will receive \$4,317 (20%). **There is no cost to the County.** Countywide (SS)

6. REGULAR AGENDA

F. OFFICE OF RESILIENCE

1. Staff recommends motion to:

- A) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, to approve the grant application for the Prosperity Farms Road Bridge project and delegate authority to the County Administrator or designee to sign and submit the application with the Florida Department of Environmental Protection for the Resilience Florida Capital Grants, and to execute any agreements associated with the disbursement of Resilience Florida Capital funds for the Prosperity Farms Road Bridge project, and providing for an effective date;
- B) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, to approve the grant application for the Country Club Acres Subdivision Drainage Improvement project and delegate authority to the County Administrator or designee to sign and submit the application with the Florida Department of Environmental Protection for the Resilience Florida Capital Grants, and to execute any agreements associated with the disbursement of Resilience Florida Capital funds for the Country Club Acres Subdivision Road project, and providing for an effective date;
- C) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, to approve the grant application for the Englewood Estates/Manor Subdivision drainage improvement project and delegate authority to the County Administrator or designee to sign and submit the application with the Florida Department of Environmental Protection for the Resilience Florida Capital Grants, and to execute any agreements associated with the disbursement of Resilience Florida Capital funds for the Englewood Estates/Manor Subdivision project, and providing for an effective date;
- D) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, to approve the grant application for the Australian Avenue project and delegate authority to the County Administrator or designee to sign and submit the application with the Florida Department of Environmental Protection for the Resilience Florida Capital Grants, and to execute any agreements associated with the disbursement of Resilience Florida Capital funds for the Australian Avenue project, and providing for an effective date; and

6. REGULAR AGENDA

F. OFFICE OF RESILIENCE (cont'd.)

1. **E) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, to approve the grant application for the Ocean Inlet Park Resiliency Improvements project and delegate authority to the County Administrator or designee to sign and submit the application with the Florida Department of Environmental Protection for the Resilience Florida Capital Grants, and to execute any agreements associated with the disbursement of Resilience Florida Capital funds for the Ocean Inlet Park Resiliency Improvements project, and providing for an effective date.

SUMMARY: The Office of Resilience, Engineering and Public Works, and Parks and Recreation Departments are collaborating on five FL Department of Environmental Protection Resilient Florida implementation grant applications. On July 11, 2023, the Board approved staff to work with a preapproved consultant for an amount not to exceed \$50,000 to prepare the technical reports and grant applications. This resolution will demonstrate Board support for providing **50% mandatory match of County funding totaling ~~\$23,200,000~~ \$20,310,000 upon awards**, which increases grant application scoring. Districts 1, 3, 4, 5, 7 (RM)

G. COMMUNITY SERVICES

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, creating the Palm Beach County Veteran Services Advisory Board (VSAB); providing for a purpose; providing for membership, appointments, terms; providing for officers; providing for roles and responsibilities; providing for sunshine law, code of ethics; providing for meetings; providing for subcommittees; providing for general provisions; and providing for an effective date, sunset. **SUMMARY:** Palm Beach County (County) is home to more than 72,000 Veterans. Many of these Veterans struggle with accessing benefits that may assist with health issues, employment, and other human services support. In response to these challenges, the Board of County Commissioners (BCC) directed County Administration to create the VSAB to periodically assess the needs of Veterans in the County and provide more efficient coordination amongst service providers in order to address the needs identified. (Division of Senior and Veteran Services) Countywide (HH)

6. REGULAR AGENDA

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) **adopt** a Resolution authorizing an extension of Lease Agreement with Pero Family Farms, LLC for an additional one (1) year term, retroactively, from July 1, 2023 until June 30, 2024 for the McMurrain parcel; and

B) **approve** First Amendment to Lease Agreement with Pero Family Farms, LLC for continued use of approximately 570.77 acres in Agricultural Reserve in Boynton Beach, retroactively, from July 1, 2023 until June 30, 2024 at an annual rent rate of \$453,275.88.

SUMMARY: On November 19, 2019, the Board of County Commissioners (Board) approved an Assignment of Lease (R2019-1760) from South Florida Water Management District (SFWMD) transferring all of its rights to the County under Lease Agreement (R2013-0790) with Pero Family Farms, LLC (Pero), which expired on June 30, 2023. While Staff was in the process of issuing a new Request for Proposals (RFP) for the continuation of commercial farming, it learned that the timing of the issuance would conflict with the planting and harvesting schedule as Pero had already begun its farming season. Staff believes it to be in the County's best interest to extend the lease term with Pero to preserve continued agricultural operations in the Agricultural Reserve. Staff will issue the RFP in the fall, allowing enough time for Pero to harvest and wrap up its operations while a new tenant is selected, therefore, minimizing disruptions in the continuity of operations. This First Amendment will extend the term for one (1) additional year retroactively, commencing on July 1, 2023 through June 30, 2024. If approved, the extension will have an annual fiscal impact of \$453,275.88 as the rent will remain the same. All other terms and conditions of the Agreement shall remain in full force and effect. The agreement will continue to be administered by Facilities Development and Operations. (Property & Real Estate Management) District 5 (HJF)

6. REGULAR AGENDA

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

2. Staff recommends motion to:

A) adopt a Resolution authorizing an extension of Lease Agreement with Pero Family Farms, LLC for an additional one (1) year term, retroactively, from July 1, 2023 through June 30, 2024 for the York parcel; and

B) approve Fifth Amendment to Lease Agreement with Pero Family Farms, LLC for continued use of approximately 270.91 acres in Agricultural Reserve in Boynton Beach, retroactively, from July 1, 2023 through June 30, 2024 at an annual rent of \$135,455.

SUMMARY: On September 11, 2001, the Board of County Commissioners (Board) approved the Lease Agreement (R2001-1541) with Pero Farms, LLC (Pero) for approximately 272 acres of land located within the York parcel in the Agricultural Reserve (AG Reserve) for a term of ten (10) years at a rent of (\$1,205) per acre, with two (2) extension options, each for a period of five (5) years subject to the approval of the County in each instance. The First Amendment (R2010-0088), approved on January 12, 2010, reduced the rent to \$500 per acre. The Second Amendment (R2010-1884), approved on November 16, 2010, reduced the Premises by 1.09 acres for the Lyons Road expansion. On May 17, 2011 (R2011-0744), the Board consented to the first option extending the term thru August 20, 2016. On June 21, 2016 through the Third Amendment (R2016-0767), the Board consented to the second option extending the term through August 20, 2021. On July 13, 2021, the Board approved the Fourth Amendment for the York lease term to run concurrently with the McMurrain Lease (R2013-0790) which expired on June 30, 2023. While staff was in the process of issuing a new Request for Proposals (RFP) for the continuation of commercial farming, it learned that the timing of the issuance would conflict with the planting and harvesting schedule as Pero had already begun its farming season. Staff believes it to be in the County's best interest to extend the lease term with Pero to preserve continued agricultural operations in the Agricultural Reserve. Staff will issue the RFP in the fall, allowing enough time for Pero to harvest and wrap up its operations while a new tenant is selected, therefore, minimizing disruptions in the continuity of operations. This Fifth Amendment will extend the term for one (1) additional year, commencing July 1, 2023 through June 30, 2024. If approved, the extension will have an annual fiscal impact of \$135,455. All other terms and conditions of the Agreement shall remain in full force and effect. The agreement will continue to be administered by Facilities Development and Operations. (Property & Real Estate Management) District 5 (HJF)

6. REGULAR AGENDA

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

3. Staff recommends motion to approve:

- A) a Budget Transfer of \$4,200,100 in the General Fund from Contingency Reserves to the Public Building Improvement Fund;
- B) a Budget Amendment of \$4,200,100 in the Public Building Improvement Fund to recognize the transfer and appropriate it to the purchase of Animal Care and Control Expansion Parcels;
- C) an Agreement for Purchase and Sale (Agreement) with Leonidas Alfaro (Alfaro) to acquire three parcels consisting of approximately 3.201 acres of vacant land for \$4,200,000 plus recording costs estimated to be \$100; and
- D) a Memorandum of Agreement with Alfaro to be recorded in the public records to provide notice of this Agreement.

SUMMARY: The County has a 14.05-acre Animal Care and Control Facility (ACC) located at 7100 Belvedere Road in unincorporated Palm Beach County. Improvements necessitated by the upcoming facility renovation are anticipated to encroach upon pasture area used for the care and custody of large animals such as cows, horses and other livestock. ACC has no other dedicated property or facility to render this service. The Alfaro parcels are located on the eastern side of the property and would provide a good expansion area for the facility. Although the additional acreage is not immediately necessary to sustain ACC operations, staff sees the ability to acquire the abutting 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. On April 18, 2023, the Board of County Commissioners (Board) authorized staff to negotiate the acquisition of the subject property. Staff obtained two appraisals valuing the property at \$3,940,000 and \$4,050,000 respectively, with an average appraised value of \$3,995,000. While the asking price for the property was \$4,700,000, the seller has agreed to accept \$4,200,000 which is \$205,000 (5.1%) above the average appraised value. This acquisition will be funded from general funds in County contingency reserves. ACC will be responsible for the administration of the parcels. The County will pay the recording costs estimated to be approximately \$100. All costs related to the acquisition will be funded from general funds in County contingency reserves. **This acquisition must be approved by a supermajority vote (5 Commissioners).** (Property & Real Estate Management) District 2 (HJF)

6. REGULAR AGENDA

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

4. Staff recommends motion to:

A) adopt a Resolution authorizing a one (1) year Lease Agreement (Agreement of Lease) with the City of West Palm Beach for the use of seven (7) parking spaces for use as public parking spaces on County-owned property located at 429 Park Place in West Palm Beach; and

B) approve a Lease Agreement (Agreement of Lease) with the City of West Palm Beach for parking spaces to use as public spaces on County-owned property located at 429 Park Place in West Palm Beach for a one year term, commencing upon execution, with the option to renew for two (2) successive periods of two (2) years each, at a monthly rent rate of \$350.

SUMMARY: The County owns the property located at 429 Park Place in West Palm Beach. The property has a warehouse currently used by the Clerk's Office for storage. On July 12, 2022, the Board of County Commissioners (Board) authorized entering into a Lease Agreement with the City of West Palm Beach (City) for use of the parking spaces for general use by the public visiting the nearby retail facilities. This Lease Agreement is for seven (7) parking spaces at the property. The term of the lease is for one (1) year with the option to extend for two additional terms of two (2) years. The rent is \$350 per month or \$4,200 annually. City shall install signage, monitor and enforce parking, and be solely responsible for general upkeep of the parking spaces including line striping if that becomes necessary during the term of the lease. County is responsible for all other routine maintenance. Operation of the parking spaces as public spaces shall not interfere with the Clerk's daily operations. Either party may terminate the lease, for any reason, with 60 days prior written notice to the other. Property & Real Estate Management Division will have management responsibility for this Agreement. (Property & Real Estate Management) District 2 (HJF)

6. REGULAR AGENDA

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

5. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of a vacant County-owned property to the Lake Worth Beach Community Redevelopment Agency (CRA), a Florida dependent special district, at no charge pursuant to Florida Statutes, Section 125.38, and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of the CRA conveying a vacant property at 417 S D Street in Lake Worth Beach, Florida.

SUMMARY: The County acquired the parcel located at 417 S D Street in Lake Worth Beach by Tax Deed in February 2022. The property is approximately 0.155 acres. The CRA has requested the County convey the property to it for the development of an affordable home. Since 1989, the CRA has successfully implemented over 400 affordable housing projects and has an established track record in the affordable housing arena in Palm Beach County. The CRA plans to work with the City of Lake Worth Beach (City) to clear any assessments and fines due on the property, then transfer the property to the Community Land Trust of Palm Beach and Treasure Coast to build a home for a family earning less than 140% of area median income (AMI). Upon conveyance of the title to the CRA, the property will be encumbered with affordable housing restrictions for no less than 30 years. Mineral and petroleum rights on the property will be retained by the County in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. The fiscal impact is a savings of \$600 in fees that County pays annually to maintain the property. **This conveyance must be approved by a Supermajority Vote (5 Commissioners).** (Property & Real Estate Management) District 3 (HJF)

AUGUST 22, 2023

6. REGULAR AGENDA

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

6. Staff recommends motion to approve:

- A)** Budget Transfer of \$1,500,000 in the General Fund from General Fund Contingency Reserves; and
- B)** Budget Amendment in the amount of \$1,500,000 in the Public Building Improvement Fund 3804 to recognize the transfer and appropriate the funds for additional Information Technology (IT) equipment and cabling for the Supervisor of Elections (SOE) Production Facility project as well as building modifications for the SOE warehouse facility.

6. REGULAR AGENDA

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

6. **SUMMARY:** On November 19, 2019, the Board of County Commissioners (Board) approved the contract with Kast Construction Company LLC (Kast) for construction management services for the SOE Production Facility project. On December 7, 2021, the Board approved Amendment No. 1 (R2021-1793) for the construction of approximately 156,000 square feet of office and warehouse space which will house the SOE administrative offices and production facility operations; a multi-story parking garage of approximately 146,000 square feet and additional surface parking for both public and staff use; including all the associated site infrastructure improvements required to support both buildings. At the time of project commencement in March 2022, Staff included in the project budget an allocation of \$926,000 for cabling and telephone systems, both of which are to be provided by a vendor in coordination with the County's Information System Services (ISS) Department. Construction of the project is fast approaching the phase where cabling and installation of the telephone system will be required. As Staff intended to execute the purchase order for the same, the vendor issued a notification of a price increase totaling \$274,000. Additionally, ISS and the office of the SOE have identified needed information technology (IT) equipment (i.e., Wi-Fi, network and Distributed Antenna System) not included in the project scope totaling \$525,000 and \$300,000, respectively. Combined, the price increase for the cabling and telephone system, along with the additional IT equipment requested by ISS and SOE totals \$1,099,000. The equipment is required for the operation of the new SOE Production Facility. Although Staff had budgeted a project contingency, the same has been depleted as a result of price escalation during the 60-day subcontractor buyout process and pending change orders required during construction. The project duration has been impacted by supply chain delays, the most critical of which was the switchgear delivery increasing from 52 weeks to 84 weeks (actual delivery occurred on June 23, 2023). Staff has closely coordinated with Kast to implement all available mitigating actions in order to minimize impacts to the overall schedule and cost. As of this agenda item, the project is expected to obtain its Certificate of Occupancy by January 8, 2024. The current schedule has no flexibility left to accommodate additional delays. If further delays are experienced due to man-made or natural conditions, the SOE will not be able to relocate its warehouse operations to the new facility and will then need to remain at its current Riviera Beach facility until after the 2024 presidential election. The State of Florida has advised that security-related building modifications to the Riviera Beach facility will be required in order for it to continue in operation during the 2024 election cycle. Staff estimates said modifications will cost \$321,000. : Since all project funds have been depleted, Staff is recommending a budget transfer from the General Fund Contingency Reserves in the amount of \$1,500,000 to cover the previously detailed costs and allocate \$80,000 in additional contingency. This project is funded by the 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg Fund and the Public Building Improvement Fund. (Capital Improvements Division) District 7 (MWJ)

6. REGULAR AGENDA

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

7. Staff recommends motion to deny approval: of the Revival of the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements affecting the County-owned real property at 13515 Caloosa Boulevard in unincorporated Palm Beach Gardens. **SUMMARY:** The County has owned the vacant property at 13515 Caloosa Boulevard in unincorporated Palm Beach Gardens, which is part of the Caloosa community, since 1983 when the assets of several Fire Control Taxing Districts were transferred to the County. The Caloosa community is governed by the Board of Directors of the Caloosa Property Owners Association, Inc. (Association). The Association is in the process of reviewing its Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements (Governing Documents) so that the same may be amended to bring them up to modern standards. Prior to amending said documents, the Association must undergo a process called covenant revitalization to ensure that the existing Governing Documents will be valid and binding for the next thirty (30) years. As part of the covenant revitalization process, each property owner may cast its vote to approve or disapprove the revival of the Governing Documents. Typically, the County tries to obtain releases from property or homeowners associations, when possible, in situations where County-owned property may be subject to association governing documents. In this instance, the subject County-owned property was already subject to the Governing Documents when the property was transferred to the County in 1983. Staff recommends disapproval of the revival of the Governing Documents. Staff intends to reach out to the Association to obtain a release. There is no fiscal impact associated with approval of this item. (Property & Real Estate Management) District 1 (HJF)

6. REGULAR AGENDA

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

8. Staff recommends motion to approve:

- A) Budget transfer in the amount of \$7,444,070 within the Public Building Impact Fees Fund 3805 to appropriate funds to the Palm Beach County Sheriff's (PBSO) District 1 Substation and Marine Unit project;
- B) Budget transfer in the amount of \$1,626,493 within the Law Enf/Impact Fees Z2 Rd Patl Fund 3803 to appropriate funds to the (PBSO) District 1 Substation and Marine Unit project;
- C) Budget transfer in the amount of \$458,049 within the Public Building Improvement Fund 3804 to appropriate the residual funds from the PBSO Explosive and Ordinance Division Interior Renovation Project to the (PBSO) District 1 Substation and Marine Unit project;
- D) Budget transfer in the amount of \$4,223,256 within the General Fund from General Fund Contingency Reserves;
- E) Budget amendment in the amount of \$4,223,256 in the Public Building Improvement Fund 3804 to recognize the transfer and appropriate the funds to the PBSO District 1 Substation and Marine Unit project budget;
- F) Budget amendment of \$276,000 in the Public Building Improvement Fund 3804 recognizing revenue received and to increase the PBSO District 1 Substation and Marine Unit project budget account for Furniture, Fixtures and Equipment (FF&E); and
- G) Amendment No. 1 to the Construction Manager (CM) at Risk Services contract (R2020-1692) with Kaufman Lynn Construction, Inc. establishing a Guaranteed Maximum Price (GMP) in the amount of \$21,828,505 for the PBSO District 1 Substation and Marine Unit project for a period of 518 calendar days from notice to proceed.

6. REGULAR AGENDA

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

8. **SUMMARY:** The PBSO District 1 Substation and Marine Unit project was developed as a joint initiative to provide the PBSO Marine Unit (Marine Unit) a permanent location to safely and effectively service their ongoing marine operations while also consolidating PBSO District 1 (District 1) administrative and field operations. It was approved as part of the FY2019 Capital Improvement Program budget. There are two key reasons supporting the need for constructing the new PBSO District 1 Substation and Marine Unit Facility. First, the old Marine Unit Building was located at the Cherry Road complex and was demolished to facilitate the construction of the new Supervisor of Elections (SOE) Facility. The Marine Unit has since been temporarily relocated to the PBSO Stockade Facility and although operational, the facility does not meet the Marine Unit's long term needs. Second, PBSO's need to consolidate operations as District 1 previously had limited space at the existing PBSO Headquarters Facility and its operations were distributed throughout the County in collocated and leased space (secured by PBSO) during the PBSO Headquarters renovation project. Space for District 1 has not been allocated at the renovated PBSO Headquarters facility, which is nearing completion. As a result of both factors, construction of the PBSO District 1 Substation and Marine Unit Facility has become critical. The goal of the new PBSO District 1 Substation and Marine Unit Facility will be to permanently house PBSO's District 1 Substation and the Marine Unit in one joint facility making operations more responsive to the community they serve, less costly and more efficient. On November 17, 2020, the Board of County Commissioners (Board) approved the CM at Risk Services contract (R2020-1692) with the CM for the PBSO District 1 Substation and Marine Unit project. The PBSO District 1 Substation and Marine Unit project includes, but is not limited to, the construction of a new 25,000 square feet facility to house a new District 1 substation, the Marine Unit, vehicle repair shop, specialty vehicle storage shelter, support services (restroom, conference rooms and a parking lot for guest and staff) and all associated site improvements. The new PBSO District 1 Substation and Marine Unit Facility will be located on a six (6) acre site located at 785 N. Jog Road, West Palm Beach. Amendment No. 1 establishes a GMP in the amount of \$21,828,505 for the construction management services necessary for the construction of the new PBSO District 1 Substation and Marine Unit project. The CM will have 518 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 \$211 per day. The final GMP value of \$21,828,505 is inclusive of all construction costs with the exception of furniture, fixtures and equipment (including specialized equipment), which PBSO is to fund directly and, consistent with past practice, County staff will procure.

6. REGULAR AGENDA

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

8. **SUMMARY (cont'd.)** A comprehensive value engineering (VE) effort was collaboratively implemented by County staff, the design consultant, and the CM, to reduce the project costs still, after completion of the public competitive procurement process by the CM, the resulting GMP exceeds the available project budget. County staff identified potential supplementary funding sources under the Law Enforcement Impact Fee Reserves (3803), Public Building Impact Fee Reserves (3805) and PBSO Ordinance Division (B694) funds to cover a majority of the funding deficit. After applying said funds, the remaining deficit totals \$4,223,255.93 which County staff recommends be funded from County reserves. Impact fees will not be utilized for the replacement portion of the Marine Unit which is approximately 3,025 square feet. The Marine Unit component of the new PBSO District 1 Substation and Marine Unit Facility is approximately 8,500 square feet. This new facility for the Marine Unit replaces the former 3,025 square feet Marine Unit facility which was demolished to accommodate the construction of the new SOE Facility. The CM was selected through a competitive solicitation in accordance to the Equal Business Opportunity (EBO) Ordinance. On August 17, 2022, the Goal Setting Committee (GSC) established an Affirmative Procurement Initiative (API) of 20% mandatory Small Business Enterprise (SBE) participation of which 6% must be African American or Hispanic American. SBE participation on this GMP is 27.06% of which 6.40% is African American or Hispanic American. SBE participation on the contract to date is 27.14% of which 6.49% is African American or Hispanic American. The CM is not a certified SBE, but has partnered with M.C.O. Construction and Services, Inc., a Small/ Minority/ Woman-Owned Business Enterprise (S/M/WBE), for services in the amount not less than 25% of the CM fee and overhead/profit earned by the CM. The Contractor has an office located in Palm Beach County. Funding for this project is from the **Infrastructure Sales Tax Fund**; 51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg Fund; Public Building Impact Fees Fund; Law Enfc/Impct Fees Z2 Rd Patl Fund; and Public Building Improvement Fund. **(Capital Improvements Division) District 2** (MWJ)

6. REGULAR AGENDA

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

~~9. Staff recommends motion to approve: a revised County Deed in favor of Transit Village, LLC (TV) conveying a portion of the County's existing Intermodal Transit Center Property (ITC Property) consisting of approximately 4.11 acres together with the air rights commencing 21 feet 4 inches atop the 1.648-acre portion which the County will continue to own and the areas within the County retained property where the footers and columns will be placed. **SUMMARY:** On August 14, 2012, the Board of County Commissioners (Board) entered into an Agreement for Purchase and Sale (R2012-1158, as amended thrice: R2018-0956; R2020-0517; and R2021-1587; collectively referred to as PSA) with Transit Village, LLC (TV) for the sale of a portion of the County-owned parcel of land at the southeast corner of Banyan Boulevard and Clearwater Drive, which is the current site of the County's Intermodal Transit Center (ITC Property). Pursuant to the PSA, TV is to construct a mixed-use development, including a parking garage on the ITC Property (Project). On June 13, 2023, the Board approved the replat of the ITC Property, which was subsequently approved by the City of West Palm Beach City Commission on June 26, 2023. At closing and subsequent to recordation of the replat, the County will convey Tracts 1 and 2 thereof totaling 4.11 acres (Tracts 1 and 2) to TV, together with the air rights for overhead construction commencing 21 feet 4 inches atop the 1.648-acre Tract 3 and the portions of Tract 3 upon which the footers and columns will be placed. The County will otherwise maintain ownership of the remainder of Tract 3. On August 4, 2023, TV delivered to the County its notice to proceed to closing in twenty (20) days, establishing the Closing Date as August 24, 2023. Staff deemed said notice to be premature as approval from the Federal Transit Administration (FTA) to proceed with the sale remained outstanding and is a condition precedent to closing that may not be waived by County or TV; the corresponding response was delivered to TV by means of a letter dated August 9, 2023. See attachment 3. Consistent with prior Board direction to collaborate with TV towards Project attainment, included as Attachment 4 to this agenda item is an updated detailed summary of eight critical matters that must be addressed prior to closing, actions taken on each to date and ongoing material matters having potential impact upon the County's real estate and operational best interests. Upon closing, the PSA requires construction commencement within one year, and the Project Schedule prepared by TV as required by the PSA confirms compliance with the same. (Property & Real Estate Management) District 2/Countywide (HJF)~~

6. REGULAR AGENDA

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

~~10. Staff recommends motion to:~~

~~A) approve~~ declaring the approximately 6.34-acre property located at 5741 Okeechobee Boulevard (property control number 00-42-43-23-00-000-7120) (Property) as surplus; and

~~B) authorize~~ Staff to issue a request for proposals (RFP) to dispose of the Property for development of affordable and/or workforce housing.

SUMMARY: ~~As of February 8, 2023, County-owned real estate (CORE) holdings amounted to 2,595 property control numbers (PCNs). The vast majority of said holdings, approximately 71%, are parcels under the control of the Environmental Resources Management (ERM) and Parks & Recreation (PR) departments. Attachment 1 to this agenda item provides a detailed count of PCNs per Department of Control (DOC). Discounting the properties controlled by ERM, PR and the Department of Airports (which cannot be disposed of without approval of the Federal Aviation Administration), as of February 8, 2023, there are a total of 179 vacant PCNs (i.e., approximately 6.9% of all County-owned PCNs). Out of the 179 vacant PCNs, 121 are under one acre (i.e., 4.7% of all County-owned PCNs or 67.6% of all vacant PCNs). All but one of the vacant PCNs have assigned future uses or carry constraints that make development potential questionable at best. Attachment 2 to this agenda item provides a full detail of the 179 vacant CORE holdings, their corresponding assigned use and/or potential development constraints. Staff notes that smaller parcels slated for housing, as detailed on Attachment 2, are part of the infill housing project for which schematic design is underway. The approximately 6.34-acre parcel located at 5741 Okeechobee Boulevard (Property) has been identified as a County-owned real estate holding that could be declared surplus as it currently has no assigned use nor has a need for the Property been identified to achieve any future level of service. See Attachment 3 to this agenda item for an aerial map depicting the Property. Staff recommends declaring the Property surplus and that staff be authorized to issue an RFP to dispose of the Property for development of affordable and/or workforce housing. The proposed material terms for the RFP are included as Attachment 4 to this agenda item. Recent changes to Florida law (under SB 102) require the County to prepare, by October 1, 2023, and every three years thereafter, an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. If the Board of County Commissioners (Board) approves staff's recommendation to declare the Property surplus, staff will proceed to prepare a public hearing item listing the Property, and any other real property identified by the seven dependent special districts within the County's boundaries, to be considered by the Board during its September 19, 2023 regular meeting. This agenda item carries no fiscal impact. (Property & Real Estate Management) District 2/Countywide (HJF)~~

6. REGULAR AGENDA

I. WESTGATE/BELVEDERE HOMES CRA

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) Fiscal Year 2024 Budget for its Redevelopment Trust (Operating) Fund, Capital Improvement Fund, Transportation Planning Agency Grants and Debt Service Fund. **SUMMARY:** The Budget is comprised of four (4) components; **(1)** The Redevelopment Trust Fund, in the amount of \$4,326,956, represents the CRA's Annual Tax Increment Financing (TIF), rental income and balance brought forward from previous years. TIF revenues will be used for payments to Florida Power & Light for street lighting, CRA operations and other programs and projects. **(2)** The Capital Improvement Fund, in the amount of \$1,830,000, represents projected loan proceeds, balances of reimbursable grants awarded to the CRA by County, State, and Federal governments for construction activities. **(3)** The Transportation Planning Agency (TPA) Fund in the amount of \$4,400,000 represents construction funds expected to be reimbursed by the TPA and the Florida Department of Transportation (FDOT). Lastly, **(4)** The Debt Service Fund in the amount of \$900,000 represents funds set aside for loan repayment. Districts 2 and 7 (RS)

J. AIRPORTS

1. Staff recommends motion to:
 - A) **approve** a Development Site Lease Agreement (Lease) with PopStroke West Palm Beach, LLC, a Florida limited liability company (PopStroke), for the lease of approximately 146,937 square feet (\pm 3.37 acres) of unimproved ground located near the southwest corner of Australian Avenue at Belvedere Road at the Palm Beach International Airport (PBI), for the development of an indoor/outdoor golf-related entertainment and dining facility, effective upon Board approval and expiring 30 years from the date of beneficial occupancy, for payment of annual rental equal to the greater of ground rental in the initial amount of \$448,158, or percentage rent equal to 4% of annual gross revenues up to \$10,000,000, plus 2% of annual gross revenues greater than \$10,000,000; and
 - B) **authorize** the Director of the Department of Airports or designee to execute, on behalf of County, the Owner's Affidavit and Memorandum of Lease in the form attached to the Lease; all applications and similar instruments required to obtain necessary governmental approvals for development of the property; and an amendment to the Lease to reflect the final legal description based on site plan approval.

6. REGULAR AGENDA

J. AIRPORTS (cont'd.)

1. **SUMMARY:** The Lease provides for the development of an indoor/outdoor golf-related entertainment and dining facility consisting of two 18-hole outdoor mini-golf courses, and approximately 13,933 square feet of building area with food and beverage service space. Popstroke will pay annual rental equal to the greater of ground rental in the initial amount of \$448,158, or percentage rent equal to 4% of annual gross revenues up to \$10,000,000 plus 2% of annual gross revenues greater than \$10,000,000. Ground rental will be adjusted every three years, commencing October 1, 2025, subject to a consumer price index (CPI) cap. In 2037 and 2049, rental will be adjusted based only on appraised value with no CPI cap. The total anticipated investment to be made by PopStroke is \$8,000,000. The venue is anticipated to create approximately 100 full-time and 60 part-time jobs. The Lease is contingent on receipt of all necessary governmental approvals, including FAA approval. The Lease was submitted to the FAA on June 5, 2023 for approval. Construction must be completed within 16 months of the effective date of the Lease. The Lease is subject to the Airport Concession Disadvantaged Business Enterprises (ACDBE) requirements of 49 CFR Part 23. The ACDBE participation goal was 2.17%. Popstroke has committed to achieve 3% ACDBE participation. Although the Equal Business Opportunity Ordinance does not apply to the Lease, Popstroke also committed to 2.5% Small Business Enterprise (SBE) participation in the construction of its leasehold improvements. The Lease requires the County to deliver an Owner's Affidavit and Memorandum of Lease for title and financing purposes. The Department is requesting a delegation of authority to the Department Director or designee to sign the documents required by the Lease, applications for development approvals when the signature of the property owner is required, and an amendment to the Lease to reflect the final legal description based on site plan approval. Countywide (HF)

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AUGUST 22, 2023

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY

AUGUST 22, 2023

9. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

Requesting off-site approval for Proclamation declaring the second week of January 2024 as SuperCar Week.

District 4 – COMMISSIONER MARCI WOODWARD

Requesting off-site approval for Certificate of Congratulations presented to National Council on Compensation Insurance on its 100th Anniversary. (off-site 8/30)

District 5 - COMMISSIONER MARIA SACHS

Requesting off-site approval for Declaring September 2023 as 211 Suicide Awareness and Prevention Month.

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

AUGUST 22, 2023

10. ADJOURNMENT

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