

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

<u>PAGE</u>	<u>ITEM</u>	
10	3C2	* <b>DELETED</b> – item pulled by staff for further review.
18	3F7	* <b>RENUMBERED 5A3 / MOVED TO REGULAR</b>
27	3H9	* <b>DELETED</b> - item pulled by staff for further review.
60	3EE1	* <b>DELETED</b> – item moved to 12/19/23
52	3T1	* <b>RENUMBERED TO 6A1</b> – Board Appointment for voting
67 69 online	5B3	* <b>ADD-ON / (FDO) / Staff requests Board direction:</b> Regarding the implementation of the Canyon’s District Park project. <b>SUMMARY:</b> Development of the Canyon’s District Park (“Park”) in western Boynton Beach was first included in the County’s Capital Improvement Program (CIP) in FY2015. As project implementation progressed from planning to construction, the associated funding appropriation increased from \$2,550,000 (FY2015 – FY2019 for design and infrastructure to support phased construction) to \$12,000,000 (FY2021 for construction). In January 2022, following approval by the Board of County Commissioners (“Board”) of the re-estimated Infrastructure Surtax (IST) Project Plan the approved project budget further increased to \$24,983,740. See Attachment 1. On August 15, 2017, the Board approved a contract (R2017-1042) with Architecture Green, LLC (AGL) for the architectural/engineering services required to design the Park. On June 18, 2019, the Board approved a construction manager at risk contract (R2019-0849) with Kaufman Lynn Construction, Inc. (KLC) for construction of the Park. The project is being implemented in two phases. On December 8, 2020, the Board approved Amendment No. 1 (R2020-1812) to the contract with KLC authorizing construction of Phase 1 of the project. On May 4, 2021, the Board approved Amendment No. 2 (R2021-0581) to the contract with KLC authorizing construction of Phase 1A of the project. Phase 1/1A included construction of three (3) soccer/multipurpose fields, restrooms, a concession facility, two (2) retention/recreational lakes, a fitness trail, parking areas, a maintenance facility, and all associated site work and infrastructure. Phase 1/1A was completed and placed in service in September 2022. Concurrently with construction of Phase 1/1A, staff, AGL and KLC continued to work on the development of the full design and pre-construction services for Phase 2 of the Park, which includes an all-abilities playground, four (4) softball/baseball multipurpose fields, two (2) volleyball courts, pavilions, restrooms, parking areas and associated site work and infrastructure. Construction drawings for Phase 2 are at 95% completion and under County review.

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

<u>PAGE</u>	<u>ITEM</u>	
67 69 online	5B3	<p><b>(continued)</b> Attachment 3 includes the site plan for Phase 2. On November 28, 2023, the Board held a workshop meeting which included a presentation on the County's approved 5-year CIP. One of the projects discussed during said meeting was the Park. In specific, staff advised the Board that a project budget shortfall for the Park was expected due to the significant cost increases experienced of late for all capital projects; construction cost of Phase 1/1A of the Park being a prime example of such increases. Attachment 4 includes a summary of all funding and expenditures to date for the Park. The funding that remains allocated for the construction of the Park is approximately \$13.8M. The estimated cost to construct Phase 2 is \$27M, which does not include associated soft costs (e.g., staff costs, permit fees). During the aforementioned workshop meeting, and to inform Board direction to staff as to the continued implementation of the approved projects (the Park included), the Board directed staff to return with separate agenda items providing an overview of the completed designs being recommended for implementation. Prior to the aforementioned workshop meeting, staff and its consultant were working towards submission of the permit application for construction of Phase 2 of the Park before year's end as the 2023 Florida Building Code (8<sup>th</sup> Edition) goes into effect on December 31, 2023. A submission after December 31, 2023 would require the construction drawings to be updated to meet the new code. Consultant fees to complete said work are estimated at approximately \$240,000 and the revisions are expected to take approximately four months after work is authorized. Additional staff time would be incurred as well in reviewing the revised drawings for acceptable completion. Given the cost and time impacts that submitting the permit application after the 2023 Florida Building Code goes into effect would carry, staff requires direction whether to proceed with project implementation or suspend same until funding availability has been identified. <b>(Capital Improvements Division) <u>District 5</u> (MWJ)</b></p>

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE      ITEM**

**67**  
73 online

**5B4**

**\* ADD-ON / (FDO) / Staff recommends motion to approve:**

A) an Agreement for Purchase and Sale of a 1.10 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Vincenza Sindle a/k/a Vincenzina Sindle, for \$17,050 plus closing, title insurance and recording costs estimated to be \$545;

B) a Memorandum of Agreement with Vincenza Sindle a/k/a Vincenzina Sindle, to be recorded in the public records to provide notice of this Agreement;

C) an Agreement for Purchase and Sale of a 1.10 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust, for \$17,050 plus closing, title insurance and recording costs estimated to be \$545; and

D) a Memorandum of Agreement with Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust, to be recorded in the public records to provide notice of this Agreement.

**SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcel owned by Vincenza Sindle a/k/a Vincenzina Sindle (Sindle Parcel) and the parcel owned by Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust (Pash Parcel), are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offer. Both Agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premium, closing and recording costs estimated to be \$545 for the Sindle Parcel and \$545 for the Pash Parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for the parcels due to the remote location. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). (Property & Real Estate Management) District 1 (HJF)

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE      ITEM**

**67**  
73 online

**5B5**

**\* ADD-ON / Staff recommends motion to approve:**

**A)** an Agreement for Purchase and Sale of ten (10) parcels of vacant land located north of Indiantown Road and east of Bee Line Highway (Beaton Parcels) with an aggregated acreage of 37.5362 from Cory James Beaton, a/k/a Cory Beaton, for \$1,303,537 plus closing, title insurance, documentary stamps and recording costs estimated to be \$15,675; and

**B)** a Memorandum of Agreement with Cory James Beaton, a/k/a Cory Beaton, to be recorded in the public records to provide notice of this Agreement.

**SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The ten (10) parcels owned by Cory Beaton are located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). Seven (7) parcels are interior lots; the remaining three (3) parcels are road frontage parcels located on Beeline Highway. The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels; and a \$40,922 and \$35,000 per acre value for road frontage Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels and a reasonable aggregate value of \$40,346 per acre for road frontage Palm Beach Heights parcels, which were the basis of the County's offer to acquire the Beaton Parcels. Mr. Beaton sent a counteroffer to County staff confirming his willingness to sell to the County all of his real estate holdings in Palm Beach Heights conditioned on: 1) being compensated at 10% over appraised value for the road frontage parcels, and 2) having the County pay the associated documentary stamp costs for the purchase and sale of the Beaton Parcels. The counteroffer further stated that he was willing to sell the interior parcels at appraised value. There are a total of thirteen (13) Palm Beach Heights parcels that front Beeline Highway. Acquiring the three (3) road frontage parcels owned by Mr. Beaton will give the County control over ten (10) of said thirteen (13) parcels; thereby significantly advancing the County's goal of protecting these environmentally sensitive lands. Staff deems this aggregate acquisition to be an **exceptional opportunity** that, coupled with the acquisition of seven (7) additional interior parcels in a single transaction, warrants a recommendation to acquire the road frontage parcels at 10% over appraised value. Recognizing this acquisition as an **exceptional opportunity**.

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE      ITEM**

**69**  
73 online

**5B5**

**\* (continued)** Staff has negotiated a provision in the Agreement which precludes Mr. Beaton from withdrawing his offer to sell his parcels for a period of thirty (30) days following execution of the Agreement by Mr. Beaton. This provision is not contained in prior agreements for purchase and sale approved by the Board for acquisition of properties in Palm Beach Heights. Mr. Beaton has represented he has certified surveys for two of the interior lots (Beaton Parcels 4 and 5 as depicted on the attached Location Map) which, to date, have not been provided for review to the County. The purchase price in the Agreement is calculated based on the Mr. Beaton's representation of acreage for Beaton Parcels 4 and 5. The Agreement provides that the purchase price shall be adjusted in accordance with the actual acreage reflected in the surveys once they are provided to Staff for review and acceptance or, if Mr. Beaton is unable to provide said surveys the purchase price shall be based upon the acreage calculation provided by the Palm Beach County Property Appraiser's website. The Agreement allows for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premium, closing, documentary stamps and recording costs estimated to be \$15,675 for the Beaton Parcels. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for the parcels due to the remote location. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. **These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). (Property & Real Estate Management) District 1 (HJF)**

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE            ITEM**

**68**  
75 online

**5C1**

**\* REVISED SUMMARY (HED) / SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 54 units to be known as Village of Valor (the "Project"). The Project will be located on 2nd Ave North, located on the north side of the street, one lot east of the intersection of 2nd Ave North and Engle Road in the Village of Palm Springs, Florida. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose average household incomes do not exceed 60% of area median income (\$58,440 for a family of four for 2023). The Project will have a minimum thirty (30) year affordability period. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is Village of Valor, Ltd., a Florida limited partnership, or an affiliate thereof (the "Borrower"), and the developer is VOV Development, LLC. The total project cost is \$23,857,655. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive, P.A. is Bond Counsel to the Authority with respect to the Bonds. Churchill Stateside Group will be the underwriter or placement agent for the Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 3 (HJF)

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE            ITEM**

**69**  
76 online

**5C2**

**\* REVISED SUMMARY (HED) / SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 168 units to be known as Calusa Pointe II (the "Project"). The Project will be located at the southeast of the intersection of SR 80 and CR827A, Belle Glade, Florida 33430. On July 12, 2022, the Board of County Commissioners approved \$2,500,000 of ARPA Response Projects funding for this Project. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose average household incomes do not exceed 60% of area median income (\$58,440 for a family of four for 2023). The Borrower (as defined below) has agreed that the Project will have a fifty (50) year affordability period. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is SP Field LLC, a Florida limited liability company, or an affiliate thereof (the "Borrower"), and the developer is Southport Development, Inc. The total project cost is \$51,618,411. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig, is Bond Counsel to the Authority with respect to the Bonds. RBC Capital Markets, LLC will be the underwriter or placement agent for the Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 6. (HJF)

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

<u>PAGE</u>	<u>ITEM</u>	
70 77 online	5D1	<p>* <b>REVISED SUMMARY / SUMMARY:</b> Palm Beach County has received a filing for annexation from the Village (November 14<sup>th</sup>.) The Village seeks to involuntarily annex approximately <del>157.9</del> <u>257.9</u> acres of land at the intersection of Southern Boulevard and Seminole Pratt Whitney Road. The Village has scheduled their first hearing for December 5<sup>th</sup>. The filing includes a complete feasibility report as required by the Florida Statutes. It is uncertain whether the proposed annexation area meets the requirement for compactness and contiguity with the rest of the Village, and whether the proposed annexation area is developed for urban purposes. This general area has previously been the <del>discussion</del> <u>subject</u> of annexation by the Village. Specifically, the Arden Development, approved by Ordinance 2004-66, modified the future land use designation from Rural Residential, 1 unit per 10 acres (RR-10), to the LR-2 future land use designation on December 13, 2004. This amendment was adopted following the removal of the site from the Central Western Communities Sector Plan boundaries, and in order to retain the site within unincorporated County since the property owners had been discussing annexation into the Village. The associated text created the Glades Area Protection Overlay and Limited Urban Service Area for the subject site and lands on the east and west side of the L-8 to create a barrier to limit development from encroaching into the agricultural production lands further west. This activity resulted in an amendment to the Palm Beach County Charter, which now requires an affirmative vote by at least five (5) County Commissioners for voluntary annexations. The proposed annexation requires a referendum by the area residents, and is therefore not subject to the provisions in the Charter. Also beginning in 2004, Wellington has completed several voluntary annexations south of SR80 (Southern Blvd) which are contiguous with their municipal boundaries. These Wellington annexations add up to 8,900 acres, of which 8,262 remain undeveloped. Additionally, two municipal incorporations took place. The following table reflects Wellington annexations as well as the incorporation of City of Westlake, and Town of Loxahatchee Groves. <u>District 6</u> (DL)</p>



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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**DECEMBER 5, 2023**

**PAGE      ITEM**

**71**  
77 online

**6A1**

**\* MOVED FROM 3T1 / Staff recommends motion to approve:** the appointment of one (1) member to the Child Care Advisory Council to fill the position listed below for Seat #6.

<u>NOMINEE:</u>	<u>REQUIREMENT:</u>	<u>TERM</u>	<u>NOMINATED BY:</u>
	Parent		
Christy O'Hearn	Representative of a child attending a child care facility	12/5/2023 To 11/30/2026	Commissioner Weiss

OR

	Parent		
<u>Andrea Keiser</u>	<u>Representative of a child attending a child care facility</u>	<u>12/5/2023</u> <u>To 11/30/2026</u>	<u>Commissioner Baxter</u>

**SUMMARY:** The Child Care Advisory Council (Council) shall advise the Board of County Commissioners (BCC) and make recommendations regarding issuance and revocation of licenses for child care facilities, and rules and regulations necessary to protect the health and safety of persons in child care facilities, child care homes and family day care facilities. The Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. Membership consists of: two (2) members who represent and operate private child care facilities in Palm Beach County, one (1) of whom operates a family day care home or large family child care home; one (1) member who represents and operates a parochial child care facility in Palm Beach County; one (1) consumer protection enforcement official; one (1) member with fire protection, engineering or technology expertise; one (1) member who, at the time of appointment, is the parent of a child attending a child care facility in Palm Beach County; and one (1) representative from the Florida Department of Children and Families. The applicants nominated for appointment to Seat #6, ~~Christy O'Hearn~~, are parents of children attending child care facilities. Christy O'Hearn is a Caucasian female. Andrea Keiser is an Asian-American female. The diversity count for the six (6) seats currently filled is Caucasian: 3 (50.0%), African American: 2 (33.3%), and Hispanic American: 1 (16.7%). The gender ratio (female: male) is 6:0. ~~The nominee for Seat 6 is a Caucasian female.~~ Staff continues to address the need for increased diversity within our boards and will continue to encourage expansion of this Council's diversity. Countywide (HH).

**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**

**DECEMBER 5, 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 9 - 61)**
  
- 4. SPECIAL PRESENTATIONS (Page 62)**
  
- 5. REGULAR AGENDA (Pages 63 - 77)**
  
- 6. BOARD APPOINTMENTS (Page 78)**
  
- 7. STAFF COMMENTS (Page 79)**
  
- 8. BCC COMMENTS (Page 80)**
  
- 9. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 81)**
  
- 10. ADJOURNMENT (Page 82)**

\* \* \* \* \*

TABLE OF CONTENTS

CONSENT AGENDA

**B. CLERK & COMPTROLLER**

Page 9

- 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.

**C. ENGINEERING & PUBLIC WORKS**

Page 9

- 3C-1 Consultant Service Authorization No. 2 to the Annual Structural Engineering Services Contract with Alan Gerwig & Associates, Inc. for the Barwick Road over Lake Worth Drainage District L-30 project.

Page 10

- ~~3C-2 Contract with Rosso Site Development, Inc. for the construction of Beach Road Parking.~~
- 3C-3 Work Order to mill and resurface the residential streets within Bahama Heights Subdivision.

Page 11

- 3C-4 Consultant Service Authorization No. 11 with HBC Engineering Company to the Annual Street Lighting System Design and Related Construction Engineering Inspection Services Contract for the Military Trail project.

**E. COMMUNITY SERVICES**

Page 12

- 3E-1 Appointment of two (2) new members to the Palm Beach County HIV CARE Council.

**F. AIRPORTS**

Page 13

- 3F-1 Public Transportation Grant Agreement with FDOT for Design Runway 10L/28R Pavement Rehabilitation at PBI, and approve a Budget Amendment.

Page 14

- 3F-2 Amendment for extension of several Public Transportation Grant Agreements with FDOT at PBI.

Page 15

- 3F-3 Amendment No. 1 to the Public Transportation Grant Agreement with FDOT, and approve a Budget Amendment.

TABLE OF CONTENTS

CONSENT AGENDA

F. AIRPORTS

Page 16

3F-4 Public Transportation Grant Agreement with FDOT for the Fuel Farm Replacement at PBI, and approve a Budget Amendment and a Budget Transfer.

Page 17

3F-5 Public Transportation Grant Agreement with FDOT for the Concourse B/C Sector Connector (Design) at PBI, and approve a Budget Amendment.

Page 18

3F-6 Change Order No. 1 with Southern Road and Bridge, LLD for the James L. Turnage Bridge repairs at PBI, and a Budget Transfer.

~~3F-7 Resolution amending previous Resolution providing for an increase to the transportation network company per trip fee at PBI.~~

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 19

3G-1 Quarterly report for Children's Services Council of Palm Beach County.

3G-2 Code enforcement settlement with Anworth Properties, Inc.

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 20

3H-1 Declaration of Restrictive Covenant dedicating a portion of Ocean Inlet Park Marina for public use to satisfy grant requirements.

Page 21

3H-2 License Agreement with City of Belle Glade for use of a portion of County-owned property, and approve a First Amendment extending the term.

Page 22

3H-3 Annual contract with Pyke Electric Inc. for electrical services on an as-needed basis.

Page 23

3H-4 Contract with Joe Schmidt Construction, Inc. for the Fleet Management Pahokee Fuel Tanks Replacement project.

Page 24

3H-5 Roger Dean Chevrolet Stadium Renovation Project development report #3.

Page 25

3H-6 Annual contract with Andrea Construction, Inc. for asphalt, pavers and pathway construction services on an as-needed basis.

TABLE OF CONTENTS

CONSENT AGENDA

**H. FACILITIES DEVELOPMENT & OPERATIONS**

Page 26

- 3H-7 Restrictive Covenant for maintenance of littoral planting areas at the County's Canyon District Park located in Western Boynton Beach.
- 3H-8 Work Order to the annual electrical contract with Grid-One Electrical Construction, Inc. for the South Bay RV park-Electrical Upgrades project.

~~Page 27~~

- ~~3H-9 Memorandum of Understanding with U.S. Fish and Wildlife Service to construct and maintain a multimodal bridge connecting Burt Aaronson South County Regional Park to the Arthur R. Marshall Loxahatchee National Wildlife Refuge.~~

Page 28

- 3H-10 Change Order to the contract with Carrick Contracting Corporation for the Glades Road Tower Construction project increasing the duration.

Page 29

- 3H-11 PBSO operational procedures for detention facilities.

Page 30 - 31

- 3H-12 Amendment No. 1 with Core Construction Services of Florida, LLC for the Fire Station No. 49 project, and a Budget Transfer.

**I. HOUSING AND ECONOMIC DEVELOPMENT**

Page 32

- 3I-1 Funding Approval/Agreement with HUD Community Development Block Grant Program, HOME Investment Partnerships Agreement, and Emergency Solutions Grant Program.

Page 33

- 3I-2 Resolution approving the issuance of one or more series of Revenue Bonds for Lifespace Communities, Inc.

Page 34 - 35

- 3I-3 Appointment and reappointment of members to the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

Page 36

- 3I-4 Appointment of one to the Commission on Affordable Housing.

Page 37

- 3I-5 Assignment of Developer Rights for development rights as developer of Brooks Subdivision, and Quit-Claim Deed by the Assignor for a drainage easement parcel.

TABLE OF CONTENTS

CONSENT AGENDA

**I. HOUSING AND ECONOMIC DEVELOPMENT**

Page 38

- 3I-6 Loan Agreement in State Housing Investment Partnership Program funds with Wells Landing Apartments, LLC.

**K. WATER UTILITIES**

Page 39

- 3K-1 Consultant Services Authorization with Chen Moore and Associates, Inc. for the ISO 55001 Re-Certification Audit and Surveillance Audits.

Page 40 - 42

- 3K-2 Contract with several firms for services.
- 3K-3 Work Order No. 4 with Hinterland Group Inc. for the Priority Aerial Canal Crossing Improvement Phase II project.

Page 43

- 3K-4 Contract with Brown and Caldwell for the Western Region North Wastewater Treatment Facility Electrical and Wet Weather Construction Phase Services.

**L. ENVIRONMENTAL RESOURCES MANAGEMENT**

Page 44

- 3L-1 Agreement with Andrew “Red” Harris Foundation, Inc. to provide donated artificial reef material in exchange from the County agreeing to place the material within permitted artificial reef sites offshore, adapt a Resolution authorizing disburse of funds from Vessel Registration Fee Trust Fund, approve a Budget Transfer, and authorize County Administrator and/or designee.

Page 45 - 46

- 3L-2 Accept State of Florida Department of Environmental Protection Change Order to conduct reef restoration work, approve a Budget Amendment, and approve Amendment No. 1 with Healthy Aquatics Marine Institute of Florida Inc. for a cost reimbursement of The Phase 4A Coral Restoration project.

Page 47

- 3L-3 Amendment No. 1 to the State of Florida Department of Environmental Protection Standard Grant Agreement providing for additional costs for construction expenses to repair erosional damage related to Hurricanes Ian and Nicole project, and approve a Budget Amendment.
- 3L-4 Contract with FWC to provide fisheries monitoring in the Lake Worth Lagoon, and Authorize the County Administrator and/or designee.

TABLE OF CONTENTS

CONSENT AGENDA

M. PARKS & RECREATION

Page 48

- 3M-1 Entertainment Contractor Agreements with Simply Tina, LLC and SRB Entertainment, LLC.
- 3M-2 Sound and Light Production Service Contractor Agreement with Sanderford Sound, Inc.

Page 49

- 3M-3 Amphitheater Rental Agreement with American Cancer Society, Inc.
- 3M-4 Special Events Rental Agreement with Battle Bros LLC.

Q. CRIMINAL JUSTICE COMMISSION

Page 50

- 3Q-1 Ratify Mayor's signature on a grant application for DOJ Edward Byrne Memorial Justice Assistance Formula Federal FY23 Direct Grant to fund the PBC Reentry Program, approve a grant award, approve a Budget Amendment, and authorize County Administrator and/or designee.

Page 51

- 3Q-2 Appointment of one member to the Criminal Justice Commission.

T. HEALTH DEPARTMENT

Page 52

- ~~3T-1 Appointment of one new member to the Child Care Advisory Council.~~

X. PUBLIC SAFETY

Page 53

- 3X-1 Contract with Dr. Marc Kramer, DVM for relief veterinary services.
- 3X-2 PBC Sheriff's Office State Law Enforcement Trust Fund Agreement to provide partial funding of expenses associated with regulation of home caregivers.

Page 54

- 3X-3 Agreement with State of Florida Emergency Management Statewide Mutual Aid replacing the previous 2018 agreement.
- 3X-4 Interlocal Agreement with the School Board of Palm Beach County relating to staffing and payment for school employees working at emergency shelters.

Page 55

- 3X-5 First Amendments to Interlocal Agreements with governmental agencies to provide temporary medical staff to disaster shelters.

Page 56

- 3X-6 Agreements with governmental agencies for reimbursement for medical equipment purchases from Emergency Medical Services grant funding.

**TABLE OF CONTENTS**

**CONSENT AGENDA**

**CC. SHERIFF**

Page 57

3CC-1 Modification #4 to the Urban Security Area Initiative Memorandum of Agreement to extend the grant period.

3CC-2 Subgrant Agreement from FDOT for Palm Beach County PBSO, City of Lake Worth Beach and Royal Palm Beach Impaired Driving Strategy, and approve a Budget Amendment.

Page 58

3CC-3 Subgrant Agreement from FDOT for the Palm Beach County Motorcycle Safety Project, and approve a Budget Amendment.

Page 59

3CC-4 Donation from The Howard E. Hill Foundation, Inc. for Gunfire Detection and Location Project, and approve a Budget Amendment.

**DD. OFFICE OF RESILIENCE**

Page 59

3DD-1 Indemnification Agreement with Forbright Bank.

**EE. HOUSING FINANCE AUTHORITY**

Page 60

~~3EE-1 Third Amendment to Contract for Bond and Disclosure Counsel Services and Greenberg Traurig, P.A. and Bryant Miller Over P.A.~~

**FF. CAREERSOURCE**

Page 61

3FF-1 Appointment of one member to the CareerSource Palm Beach County, Inc. Board of Directors.

**SPECIAL PRESENTATIONS**

Page 62

4A Blake Wyatt Buchbinder

4B 60<sup>th</sup> Anniversary American Hungarian Club

4C Jamar "Hubba Bubba" Battle

4D Pastor Pierre Gregoire Saint-Louis

**REGULAR AGENDA**

**A. AIRPORTS**

Page 63

5A-1 Second Amendment to Airport On-Demand Ground Transportation Services Agreement with 4R Services, at PBI, and approve issuance of a Request for Proposals for one concession agreement for on-demand taxicab services for PBI.



**TABLE OF CONTENTS**  
**REGULAR AGENDA**

**A. AIRPORTS**

Page 64

5A-2 General Consultant Agreement with EXP U.S. Services, Inc. for services related to PBI Capital Improvement Program, and approve a Budget Transfer.

Page

5A-3 Resolution amending previous Resolution providing for an increase to the transportation network company per trip fee at PBI.

**B. FACILITIES DEVELOPMENT & OPERATIONS**

Page 67

5B-1 Request for direction on future use of a portion of the County-owned 20 Mile Bend property.

Page 68 - 69

5B-2 Agreement for Purchase vacant land located north of Indiantown Road and east of Bee Line Highway, a Memorandum of Agreement, and Memorandum of Agreement.

Page 70 - 71

5B-3 Implementation of the Canyon's District Park project.

Page 72

5B-4 Purchase of vacant land.

Page 73 - 74

5B-5 Purchase and Sale of ten (10) parcels of vacant land north of Indiantown Road.

**C. HOUSING AND ECONOMIC DEVELOPMENT**

Page 75

5C-1 Resolution approving the issuance of Housing Finance Authority Multifamily Housing Revenue Bonds for Village of Valor.

Page 76

5C-2 Resolution approving the issuance of Housing Finance Authority Multifamily Housing Revenue Bonds for Calusa Pointe II.

**D. PLANNING, ZONING & BUILDING**

Page 77

5D-1 Seeking direction on County's position to an annexation by the Village of Wellington.

**BOARD APPOINTMENTS** (Page 78)

6A-1 Appointment of one new member to the Child Care Advisory Council.

**STAFF COMMENTS** (Page 79)

**COMMISSIONER COMMENTS** (Page 80)

**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 81)

**ADJOURNMENT** (Page 82)

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>
November 01, 2023	Comp Plan
November 07, 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 October 2023. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Consultant Service Authorization No. 2 (CSA) to the Annual Structural Engineering Services Contract (R2023-0260) dated March 14, 2023 (Contract) with Alan Gerwig & Associates, Inc. (AGA) in the amount of \$265,885.99 for Barwick Road over Lake Worth Drainage District L-30 Canal (934455) (Project). **SUMMARY:** Approval of this CSA will provide the professional services necessary to design the replacement of the existing two lane three span bridge and associated roadway approach improvements. On January 5, 2022 the Goal Setting Committee applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% must be Minority Business Enterprise (MBE) for African American owned firms and an SBE evaluation preference. AGA agreed to 100% SBE participation for the Contract. They agreed to 98% SBE participation for this CSA. AGA has an office located in Palm Beach County and is a certified SBE company. **This Project has infrastructure sales tax funding.** District 4 (YBH)

3. CONSENT AGENDA APPROVAL

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

- ~~2. **Staff recommends motion to approve:** a contract with Rosso Site Development, Inc. (RSD) in the amount of \$1,369,721.23 with a contract time of 120 calendar days for the construction of Beach Road Parking, North of Old A1A (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to install parallel parking spaces for the Project. Currently, the dirt on the side of Beach Road is being used as parking for access to the beach and County park. This contract will install permeable pavers to create 159 parallel parking spaces improving safety and reducing maintenance needs. On August 25, 2023, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 20% minimum mandatory Small Business Enterprise (SBE) participation. RSD agreed to 36.1% SBE participation for this contract. Bids for the contract were received by the Engineering & Public Works Department on August 1, 2023. RSD was the lowest responsive bidder of three bidders. The contract time for the Project is 120 calendar days. RSD has an office located in Palm Beach County. **This Project is included in the Five-Year Road Program. District 1** (YBH)~~
  
3. **Staff recommends motion to approve:** Work Order 2021050-25 in the amount of \$330,000 to mill and resurface the residential streets within the Bahama Heights Subdivision 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 \$20 million of the \$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 16.8% SBE participation for this work order. Their cumulative SBE participation, including this work order is 13%. District 3 (YBH)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: Consultant Service Authorization No. 11 (CSA) to the Annual Street Lighting System Design and Related Construction Engineering Inspection (CEI) Services Contract (R2021-0017) dated January 12, 2021 (Contract) with HBC Engineering Company (HBC) in the amount of \$130,938 for Military Trail from Lake Worth Road to Clint Moore Road (Project). **SUMMARY:** Approval of this CSA will provide the professional services necessary for photometric analysis and lighting plans for the Project. The objective of this Project is to conduct two (2) independent photometric analyses along Military Trail from Lake Worth Road to Clint Moore Road in collaboration with Palm Beach County and Florida Department of Transportation (where applicable) to identify any concurrent projects and to verify the scope of the Surtax Street Lighting Conversion project. The Project is partially within the limits of several municipalities. Surtax funding will fund this photometric analysis which will be provided to the municipalities. The municipalities are responsible for coordinating and funding the LED conversion of street lighting within their limits with Florida Power and Light. On June 3, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative of a Small Business Enterprise (SBE) preference. HBC agreed to 100% SBE participation for the Contract. They agreed to 100% SBE participation for this CSA. HBC has an office located in Palm Beach County (County) and is a certified SBE company. **This Project includes infrastructure sales tax funding. Districts 2, 3 4 & 5 (YBH)**

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: the appointments of two (2) new members to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Act Council (HIV CARE Council), effective December 5, 2023:

<u>Seat No.</u>	<u>Appointment</u>	<u>Recommended By</u>	<u>Term Expires</u>
5	Kimberly Rommel-Enright	HIV CARE Council	03/21/2025
22	Mary Jane Reynolds	HIV CARE Council	07/12/2024

**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. Ms. Rommel-Enright is employed by Legal Aid Society of Palm Beach County, Inc., which contracts 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. Ms. Rommel-Enright will complete the term of Tad Fuller due to seat reassignment. Ms. Reynolds will complete the term of Dale Smith due to resignation. 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 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. The diversity count for the 24 seats that are currently filled is African-American: 12 (50%), Hispanic-American: 6 (25%), Caucasian: 5 (21%), and Asian-American: 1 (4%). The gender ratio (female: male) is 14:10. Ms. Rommel-Enright is Caucasian and Ms. Reynolds is African-American. Staff is addressing the need to increase diversity within our boards and will continue to encourage this to expand this Board’s diversity. (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

**A) receive and file** a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$250,000 for Design Runway 10L/28R Pavement Rehabilitation at Palm Beach International Airport (PBI). Delegation of authority for execution of this PTGA was approved by the BCC on August 25, 2020 (R-2020-1017). This PTGA is effective as of October 11, 2023 with an expiration date of July 31, 2025; and

**B) approve** a Budget Amendment of \$250,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FDOT.

**SUMMARY:** The FDOT has issued a PTGA (CSFA No. 55.004) reflecting their commitment of funding to the above referenced project in the amount of \$250,000 or 12.50% of the eligible project costs, whichever is less for Design Runway 10L/28R at PBI. This PTGA will provide funding for the design of the Runway 10L/28R pavement rehabilitation at PBI. The required **local match for this PTGA is \$250,000.** Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

2. Staff recommends motion to receive and file: An Amendment for Extension of the following Public Transportation Grant Agreements (PTGAs) with the Florida Department of Transportation (FDOT). Delegation of authority for execution of the Amendments for extension of the PTGAs was approved by the Board on August 25, 2020 (R2020-1017):
- A) Maintenance Compound Redevelopment at Palm Beach International Airport (PBI), Financial Project Number 434626-1-94-01 approved by the Board on April 2, 2019 (R2019-0422 and R2019-0423), until December 31, 2024;
  - B) Construction of Security Infrastructure and Operational Improvements Program – Phase 1 at Palm Beach County Park Airport (LNA), Financial Management Number 443229-2-94-01 approved by the Board April 20, 2021 (R2021-0485), until December 31, 2025; and
  - C) Security Infrastructure and Operational Improvements Program – Phase 2 at LNA, Financial Project Number 445945-1-94-01 approved by the Board May 5, 2020 (R2020-0419 and R2020-0420), until December 31, 2025.

**SUMMARY:** Item A provides funding that will be utilized for effort related to the replacement Aircraft Rescue Fire Fighting (ARFF) facility building at PBI. The project will also consist of the demolition of existing structures, as well as the preparation of the land to support the future ARFF Facility. FDOT has approved use of the grant funds originally allocated to the maintenance compound redevelopment towards the ARFF facility replacement project. Item B provides for infrastructure and operational improvements to enhance the security at LNA. Item C provides additional funding for the infrastructure and operational improvements at LNA. These improvements will complement recently-completed security improvements undertaken as part of the Southside Redevelopment Program and the fence improvement project. The Amendment for Extension of the PTGAs extend the availability of grant funding to allow for the completion of various airport projects. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. Staff recommends motion to:

**A) receive and file** Amendment No. 1 to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$253,282 for Runway 10-28 (formerly Runway 9-27) Rehabilitation at Palm Beach County Park Airport (LNA). Delegation of authority for execution of this Amendment was approved by the BCC on August 25, 2020 (R2020-1017); and

**B) approve** a Budget Amendment of \$253,282 in the Airport's Improvement and Development Fund, which includes a transfer from Reserves in the amount of \$63,320, to recognize the receipt of a grant from the FDOT.

**SUMMARY:** On December 3, 2019, the Board adopted a resolution (R2019-1841) approving a PTGA (R2019-1842) with the FDOT (CSFA No. 55.004) in the amount of \$600,000 or 80% of the eligible project costs, whichever is less for the Project. The FDOT has issued Amendment No. 1 to the PTGA increasing the original funding share by an additional \$253,282 for a revised FDOT participation of \$853,282 bringing the revised total cost of the Project to \$1,066,602. The required current **local match of \$63,320 is also available.** This funding will be used for additional costs required to construct the Runway 10-28 Pavement Rehabilitation (Surface Treatment) at LNA. Countywide (AH)



3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

4. Staff recommends motion to:

- A) **receive and file** a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$2,000,000 for the Fuel Farm Replacement at Palm Beach County Glades Airport (PHK). Delegation of authority for execution of this PTGA was approved by the BCC on August 25, 2020 (R-2020-1017). This PTGA is effective as of October 10, 2023 with an expiration date of December 31, 2025;
- B) **approve** a Budget Amendment of \$2,000,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FDOT; and
- C) **approve** a Budget Transfer of funds in the amount of \$154,282 of local funds to be combined with new PHK Fuel Farm Replacement funds.

**SUMMARY:** The FDOT has issued a PTGA (CSFA No. 55.004) reflecting their commitment of funding to the above referenced project in the amount of \$2,000,000 or 80% of the eligible project costs, whichever is less for the Fuel Farm Replacement at PHK. This funding will remove and replace the existing fuel farm facility and related equipment at PHK. The project previously received an FDOT grant (FM No. 427892-1-94-01), but a funding shortfall for construction resulted in closure of the grant and return of state funds, leaving a \$154,282 local match balance. This \$154,282 local match balance from the original grant will be transferred and combined with the new PHK Fuel Farm Replacement funds. The required **local match for this PTGA is \$500,000.** Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

5. Staff recommends motion to:

**A) receive and file** a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$500,000 for the Concourse B/C Secure Connector (Design) at Palm Beach International Airport (PBI). Delegation of authority for execution of this PTGA was approved by the BCC on August 25, 2020 (R-2020-1017). This PTGA is effective as of October 10, 2023 with an expiration date of July 31, 2025; and

**B) approve** a Budget Amendment of \$500,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FDOT.

**SUMMARY:** The FDOT has issued a PTGA (CSFA No. 55.004) reflecting their commitment of funding to the above referenced project in the amount of \$500,000 or 50% of the eligible project costs, whichever is less for the Concourse B/C Secure Connector (Design) at PBI. This funding will provide funding to design the post-security checkpoint concourse connector to allow passengers to travel between concourses after passing through the TSA checkpoints. The required **local match for this PTGA is \$500,000.** Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

6. Staff recommends motion to approve:

- A) Change Order No. 1 to the contract with Southern Road and Bridge, LLC (SRB) in the amount of \$135,275.77 and 42 Calendar Days for the James L. Turnage Bridge repairs at Palm Beach International Airport (PBI); and
- B) a Budget Transfer in the amount of \$135,276 in the Airport's Improvement and Development Fund to provide budget for the change order; including a transfer from Reserves in the amount of \$135,276.

**SUMMARY:** The original contract with SRB for the James L. Turnage Bridge repairs at PBI in the amount of \$2,232,358.10 and 410 Calendar Days was approved by the Board on August 23, 2022 (R2022-0890). Approval of Change Order No. 1 in the amount of \$135,275.77 and 42 Calendar Days will allow the contractor to install additional signage along with cleaning the concrete walls below the bridge approach ramps to the James L. Turnage Boulevard bridges. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 24.7%. SRB has committed to 24.7% participation. The DBE participation for this change order is 53.8%. Countywide (AH)

- ~~7. **Staff recommends motion to adopt:** a Resolution amending Resolution No. 2016-0758; providing for an increase to the transportation network company (TNCs) per trip fee at the Palm Beach International Airport (PBI); providing for severability and providing for an effective date. **SUMMARY:** This Resolution increases the per trip fee for TNCs picking up at PBI from \$2.50 per trip to \$3.50 per trip effective January 1, 2024. The increased fee is consistent with per trip fees charged by other Florida airports. The majority of the ground transportation trips from PBI are performed by TNCs. In fiscal year 2023, TNCs conducted more than 975,000 total trips (pick up and drop off) at PBI. TNCs do not pay a per trip fee for dropping off customers at PBI. The County incurs significant costs to manage traffic and ground transportation operations at PBI and to maintain and repair PBI's facilities, including roadways, bridges, and parking/staging areas. Although costs continue to escalate, the per trip fee has not been adjusted since it was established in 2016. Countywide (AH)~~

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to receive and file:** The Quarter Ending 09-30-2023 information for Children's Services Council of Palm Beach County (CSCPBC). **SUMMARY:** The CSCPBC has submitted their Quarter Ending 09-30-2023 information as per section number 125.901(3)(f), Florida Statutes. The statement reflects only expenditures and receipts during the quarter. Countywide (DB)
  
2. **Staff recommends motion to approve:** a negotiated settlement offer in the amount of \$28,414 for the full satisfaction of a code enforcement lien entered against Anworth Properties, Inc. on July 1, 2015. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) issued an order on March 4, 2015 for the property owned by Anworth Properties, Inc., giving them until May 3, 2015 to bring their property located at 7880 Griswold Street, Lake Worth, FL into full code compliance. The violation was for interior renovations, drywall replacement, and electrical work without obtaining a building permit. Compliance with the CESM's order was not achieved and a fine of \$50 per day was imposed. The CESM executed an order imposing a code lien against Anworth Properties, Inc. on July 1, 2015. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on June 23, 2023, which reflected that the violations were corrected as of February 10, 2023. The total fine amount on September 21, 2023 was \$142,069.84, the date on which settlement discussions began. Anworth Properties, Inc. has agreed to pay Palm Beach County \$28,414 (20%) for full settlement of their outstanding code enforcement lien. District 7 (SF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Declaration of Restrictive Covenant dedicating a portion of Ocean Inlet Park Marina for public use to satisfy grant requirements imposed by the Florida Inland Navigation District (FIND). **Summary:** On May 5, 2020, the County applied for and was awarded a \$1.5 million FIND grant for the redevelopment of Ocean Inlet Park Marina in Ocean Ridge. The grant was secured to help fund a portion of the costs for the replacement of over 500 linear feet of seawall, construction of four fixed public safety docks with high speed lifts and three floating ADA compliant day use docks (FIND Project No. PB-20-210). The term of the grant agreement (R2020-1904) was from October 13, 2020 until September 30, 2022. The County applied for and was awarded a one (1) year project completion extension; said amendment to the grant agreement was approved by the Board of County Commissioners (Board) in October 2022 (R2022-1129). FIND Project No. PB-20-210 was substantially completed in September 2023. The grant agreement requires the County to dedicate the project site for public use for a period of twenty-five (25) years from the date of project completion. A Declaration of Restrictive Covenant is being recorded to satisfy those grant requirements. There is no fiscal impact associated with the approval of this item. **(Property and Real Estate Management) District 4** (HJF)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to:

**A) receive and file** License Agreement with City of Belle Glade dated September 11, 2023 (License Agreement) for use of a portion of County-owned property located at 1601 W. Canal Street North in Belle Glade, at no cost, for a period of ninety (90) days, terminating on December 11, 2023; and

**B) approve** the First Amendment to License Agreement extending the term of the License Agreement with City of Belle Glade for five (5) years, expiring on September 11, 2028.

**SUMMARY:** On September 11, 2023, the License Agreement for a term of ninety (90) days was executed by the Director of Facilities Development and Operations Department in accordance with PPM CW-L-023. The subject License Agreement grants the City of Belle Glade (City) a revocable license to maintain an outdoor advertisement sign on a portion of County property and expires on December 11, 2023. Either party has a right to terminate at any time upon sixty (60) days written notice to the other. Staff is seeking approval of the First Amendment which extends the term of the License Agreement for five (5) years expiring on September 11, 2028 unless terminated earlier in accordance with the terms of the License Agreement. There is no fiscal impact associated with the approval of this License Agreement. The License Agreement will be administered by the Facilities Development and Operations department. **(Property & Real Estate Management) District 6** (HJF)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to approve: an annual contract with the following contractor for electrical services on an as-needed basis through November 18, 2024.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Pyke Electric Inc.	Local	S/MBE

**SUMMARY:** On November 19, 2019, the Board of County Commissioners (Board) approved the annual electrical contract (R2019-1752 through R2019-1758). The work consists of electrical repairs, improvements and renovations to County-owned properties on an as needed basis. The contractor now joins the list of seventeen (17) prequalified contractors for a total of eighteen (18) prequalified contractors with a contract expiration date of November 18, 2024. The specific requirements of the work will be determined by individual work orders issued against this annual electrical contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$6,000,000 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 electrical contract before the term ends. Projects less than \$100,000 are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of prequalified contractors while projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper. The bidding pool is further expanded, for projects \$100,000 or greater, to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual electrical contract was presented to the Goal Setting Committee on June 5, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference 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 electrical contract is 81.14%. **(Capital Improvements)** Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: a contract with Joe Schmidt Construction, Inc. for the Fleet Management, Pahokee Fuel Tanks Replacement (Re-bid) project in the amount of \$977,924 for a period of 150 calendar days from notice to proceed. **SUMMARY:** The work consists of furnishing all labor, equipment, devices, tools, machinery, transportation, professional services, supervision, drawings, permitting and all miscellaneous requirements necessary to replace two (2) fuel tanks at the Fleet Management Facility located in Pahokee. The existing underground fuel storage tanks have outlived their useful life. The existing underground fuel storage tanks will be removed and replaced with two (2) new double walled, 12,000 gallon capacity underground fuel storage tanks, one (1) for diesel and one (1) for unleaded gas, with accompanying piping and appurtenances. The new underground fuel storage tanks will comply with the most current safety standards and provide years of dependable service. The Contractor will have 150 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 project was competitively advertised on July 30, 2023 in accordance with the Palm Beach County Purchasing Code and pursuant to the requirements of the Equal Business Opportunity (EBO) Ordinance. This project was presented to the Goal Setting Committee on April 5, 2023 and the Committee established an Affirmative Procurement Initiative (API) of a mandatory minimum 20% Small Business Enterprise subcontracting goal for the contract. The SBE participation on this contract is 96.93%. The Contractor is a Palm Beach County business and certified SBE. Funding for this project will be from the Fleet Management Fund. **(Capital Improvements Division) District 6** (MWJ)



3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to receive and file: the Roger Dean Chevrolet Stadium (RDCS) Renovation Project (Project) development period report (Development Report) no. 3, for the period from July 27, 2023 through October 25, 2023, to the Department of Economic Opportunity (DEO). **SUMMARY:** On August 22, 2023, the Board of County Commissioners (Board) authorized the Mayor (R2023-1105) to execute future Development Reports and annual reports to be submitted to the DEO as required under the Spring Training Facility Funding Agreement (R2023-0367) (State Funding Agreement). On March 14, 2023, the 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 every 90 days 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. 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. In accordance with R2023-1105, the Mayor executed the attached Development Report No. 3 on behalf of the Board which was submitted to the DEO. This executed document is now being submitted to the Board to receive and file. **(FDO ADMIN)** District 1/Countywide (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 asphalt, pavers and pathway construction services on an as-needed basis through May 15, 2028.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
Andrea Construction, Inc.	Local	SBE

**SUMMARY:** On May 16, 2023, the Board of County Commissioners (Board) approved the annual asphalt, pavers and pathway construction services contract. The work consists of asphalt, pavers and pathway construction services to County-owned properties on an as needed basis. The Contractor now joins the list of four (4) prequalified contractors for a total of five (5) prequalified contractors with a contract expiration date of May 15, 2028. The specific requirements of the work will be determined by individual work orders issued against this annual asphalt, pavers and pathway construction 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 asphalt, pavers and pathway construction services contract before the term ends. Projects less than \$100,000 are bid among the pool of certified Small Business Enterprise (SBE) contractors, when three (3) or more small businesses are qualified under the contract. Projects \$100,000 or greater are advertised on the vendor self-service (VSS) website and are bid among the pool of pre-qualified contractors while projects \$200,000 or greater are advertised on the VSS website and additionally advertised in the newspaper. The bidding pool is further expanded, for projects \$100,000 or greater, to include additional bidders responding to the specific project advertisement that submit a qualification application at least ten (10) calendar days before the bid due date. The annual asphalt, pavers and pathway construction services contract was presented to the Goal Setting Committee on January 4, 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 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.)

7. Staff recommends motion to approve: a Restrictive Covenant for maintenance of littoral planting areas covering approximately 27,946 square feet at the County's Canyon District Park located in Western Boynton Beach. **SUMMARY:** Canyon District Park (Park) is a 52-acre site located on the West side of Acme Dairy Road, just south of Boynton Beach Boulevard in western Boynton Beach. On March 3, 2020, the County's Department of Environmental Resources Management (ERM) approved a Notice of Intent to Construct for Excavation No. E2001-09 (Permit). Pursuant to the Permit, the County was required to plant littoral areas within portions of the water management tracts. The County created water management tracts to handle storm water runoff. The Restrictive Covenant identifies the 27,946 square feet of planted littoral shelves within the water management tracts and provides for the perpetual maintenance thereof. The Restrictive Covenant will be recorded in the public records upon Board approval. Parks & Recreation has administrative responsibilities for the maintenance of the water management tracts and planted littoral shelves. **(Property and Real Estate Management) District 5** (HJF)
  
8. Staff recommends motion to approve: Work Order No. 23-005 to the annual electrical contract (R2019-1755) with Grid-One Electrical Construction, Inc. (Contractor) in the amount of \$275,480 for the South Bay RV Park-Electrical Upgrades (Re-bid) project for a period of 180 calendar days from notice to proceed. **SUMMARY:** The work consists of furnishing all labor, equipment, devices, tools, machinery, transportation, professional services, supervision, drawings, permitting and all miscellaneous requirements necessary to upgrade the electrical system at the South Bay RV Park. The upgraded power supply will comply with the most current safety standards. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 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 electrical contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The annual electrical contract was presented to the Goal Setting Committee on June 5, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Since this project is over \$100,000, the SBE price preference API was applied. The Contractor is a local firm and certified SBE. The SBE participation on this work order is 100%. To date, the overall SBE participation on the annual electrical contract is 81.10%. **Funding for this project will be from the Infrastructure Sales Tax Fund. (Capital Improvements Division) District 6** (MWJ)

3. CONSENT AGENDA APPROVAL

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

~~9. Staff recommends motion to approve: Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service, an agency of the United States Department of the Interior, to construct and maintain a multimodal bridge connecting Burt Aaronson South County Regional Park to the Arthur R. Marshall Loxahatchee National Wildlife Refuge effective upon execution, for a period of twenty-five (25) years plus two (2) automatic renewal options of twenty-five (25) years each. **SUMMARY:** Burt Aaronson South County Regional Park (Park) is located at 12551 Glades Road in unincorporated Palm Beach County and adjacent to the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Refuge). The U.S. Fish and Wildlife Service (USFWS) is a federal agency responsible for managing the Refuge. The County is seeking to construct a multi-modal bridge connecting the Park to the Refuge. The bridge mutually benefits the County and the Refuge. The Refuge updated its Visitor Services Plan to allow horses and equestrian use on its levees and permits 24-hour trail use within the Refuge. The bridge, which will be located in the southwest corner of the Park, adjacent to the Osprey Point Golf Course, will provide bicycle, pedestrian, and equestrian access from the Park to the Refuge's 40 miles of shell rock trails. Palm Beach County assumes responsibilities such as excavation, bridge construction, and maintenance while the USFWS commits to maintaining necessary regulatory permits. The MOU will be effective for 25 years with two automatic renewals of 25 years each, subject to review. Both parties have pledged cooperation on management, funding approvals, and ensuring a safe working environment, among other shared responsibilities. There is no fiscal impact associated with the approval of the MOU. A total of \$2,327,621 in actual and reserve funding is available for this and other projects within the P645 South County Regional Park Phase III funding line. Palm Beach County Parks and Recreation Department (Parks) is responsible for administering and maintaining the property. **(Property & Real Estate Management) District 5** (HJF)~~

3. CONSENT AGENDA APPROVAL

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

10. Staff recommends motion to approve: Change Order No. 8 to the contract (R2021-0578) with Carrick Contracting Corporation (Contractor) for the Glades Road Tower Construction project in the amount of \$5,042.73, increasing the project duration by 365 calendar days. **SUMMARY:** On May 4, 2021, the Board of County Commissioners (Board) approved the Glades Road Tower Construction project contract (R2021-0578) with the Contractor, for services to construct a new land mobile radio tower. The Glades Road Tower Construction project contract was for the construction of a 400-foot tall lattice style self-supporting radio communications tower, equipment shelter, associated equipment and a fenced compound. The new tower ensures public safety and emergency response communications within the service area. The original scope of work, which was required to be completed prior to the commencement of any loading to the tower with end user antennas and lines, is substantially complete. Change Order No. 8 to the contract (Change Order No. 8) authorizes the labor and materials necessary for additional work and modifications to the low voltage, electrical and fire systems in response to inspection findings and comments received from both internal and external agencies. Change Order No. 8 also increases the project duration by 365 calendar days as a result of final fire inspection delays, long lead time for the procurement of the generator and final electrical inspection delays outside of the control of the Contractor. The Contract was solicited pursuant to the requirements of the Equal Business Opportunity (EBO) Ordinance. On December 27, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of 5% Small Business Enterprise (SBE) subcontracting participation. The Contractor committed to 5.79% SBE participation. SBE participation on this Change Order is 64.43%. To date, the overall SBE participation on this project is 5.42%. The Contractor is a local business. Funding for this project is from the RR&I for 800 MHz System Fund. **(Capital Improvements Division) District 4 (MWJ)**

3. CONSENT AGENDA APPROVAL

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

11. Staff recommends motion to receive and file: Palm Beach County Sheriff's Office (PBSO) operational procedures for detention facilities in compliance with the requirements of Section 553.865(12), Florida Statutes. **SUMMARY:** Recent changes to Florida law (under HB 1521, known as the "Safety in Private Spaces Act") requires that females and males be provided restrooms and changing facilities for their exclusive use, respective of their sex. Public buildings and detention facilities are determined to be "covered entities", as defined under the statute, which must be in compliance with the statutory provisions. Palm Beach County owns and operates public buildings and detention facilities. Per subsection 4 of the statute, covered entities must at a minimum have a restroom designated for exclusive use by females; a restroom designated for exclusive use by males; or a unisex restroom. Per subsection 5 of the statute, covered facilities that maintain changing facilities (as defined under the statute) must at a minimum have a changing facility designated for exclusive use by females; a changing facility designated for exclusive use by males; or a unisex changing facility. Subsection 12 of the statute provides that a detention facility shall submit documentation to the applicable governing body of the County regarding compliance with subsections 4 and 5 of the statute, within one year after being established or, if such facility was established before July 1, 2023, no later than April 1, 2024. Subsection 16 of the statute requires governmental entities where a detention facility is located to establish policies to carry out Section 553.865, Florida Statutes and to ensure compliance with and enforcement of the statute, including, but not limited to, the type, format, and method of delivery of the documentation required under subsection 12 of the statute. The County-owned detention facilities were established before July 1, 2023, and are maintained by the County, and operated by PBSO. Subsection 11 of the statute requires governmental entities operating public buildings to establish disciplinary procedures for any employee of the governmental entity who willfully enters, for a purpose not exempted under the statute, a restroom or changing facility designated for the opposite sex at such public building and refuses to depart when asked to do so by any other employee of the governmental facility. The Facilities Development and Operations (FDO) department and the Department of Airports (DOA) have surveyed all County-owned facilities under their respective purviews and confirmed that all meet the requirements under Sections 553.865 (4) and (5), Florida Statutes. The County's Human Resources (HR) department has confirmed that disciplinary procedures to address the statutory requirements under Section 553.865 (11), Florida Statutes already exists under the County's Merit Rules and therefore, no modifications and/or additions are necessary. PBSO has revised its procedures and this item serves to submit the same to the Board of County Commissioners (Board) to fulfill the previously detailed statutory requirements under Section 553.865(12), Florida Statutes. **(FDO Admin) Countywide** (MWJ)

3. CONSENT AGENDA APPROVAL

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

12. Staff recommends motion to approve:

- A) a Budget Transfer in the amount of \$753,000 from Reserves within the Fire Rescue Improvement Fund for Fire Station No. 49 Agricultural Reserve Central Capital project; and
- B) Amendment No. 1 to the Construction Manager (CM) at Risk Services contract (R2022-1364) with Core Construction Services of Florida, LLC (CM), establishing a Guaranteed Maximum Price (GMP) in the amount of \$14,951,543 for the Fire Station No. 49 project for a period of 529 calendar days from notice to proceed.

3. CONSENT AGENDA APPROVAL

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

12. **SUMMARY:** On November 15, 2022, the Board of County Commissioners (Board) approved the CM at Risk Services contract (R2021-0750) with the CM for Fire Stations No. 24, No. 49 and No. 92. The Fire Stations No. 24, No. 49 and No. 92 project includes the construction of three new fire stations at various locations throughout the County. On November 15, 2022 the Board also approved Task Order No. 1 (R2022-1365) in the amount of \$214,400. Task Order No. 1 authorized preconstruction services for Fire Stations No. 24, No. 49 and No. 92 which included validating constructability, cost estimating, procurement services and the development of the GMP. Amendment No. 1 establishes a GMP in the amount of \$14,951,543 for construction management services necessary for the construction of Fire Station No. 49. Fire Station No. 49 will be an approximately 17,987 square foot facility located at 12555 Lyons Rd, Boynton Beach. The Fire Station No. 49 project includes, but is not limited to, the construction of Fire Station No. 49 with all associated site work, utilities, paving, drainage, site lighting, signalization infrastructure, landscape and irrigation. The Construction Manager will have 529 calendar days from notice to proceed to substantially complete the construction phase of the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$475 per day. The solicitation for the CM was advertised on March 6, 2022 according to the Equal Business Opportunity (EBO) Ordinance, with final selection taking place on July 13, 2022. On March 1, 2023, the Goal Setting Committee (GSC) established for the GMP an Affirmative Procurement Initiative (API) of a Small Business Enterprise (SBE) subcontracting goal of 20% participation, of which 6% must be African American and/or Hispanic American. SBE participation on the construction trade contracts for this GMP is 44.30%, of which 14.11% is African American and/or Hispanic American. In accordance with Attachment 3 of Policy and Procedures Memorandum (PPM) CW-O-043, the GSC applies the APIs applicable to the construction phase of the contract (i.e. the subcontracts) before subcontractor bidding so that the SBE participation for the GMP is based on the subcontracting trades associated with the GMP and does not include the CM's fees. SBE participation on the contract to date is 44.49%. The CM is not a certified Small/Minority/Women-Owned (S/M/WBE) Business Enterprise, but has partnered with four (4) S/MBE firms: Randolph Construction Group, Inc., Hatcher Construction & Development, Total Solution Contractors, Inc. and Anatom Construction Company, for services in the amount not less than 5% of its preconstruction CM fees and 22.5% of the firm's construction phase staffing cost. The Construction Manager has an office located in Palm Beach County. Funding for this project is from the Fire Rescue Improvement Fund and Fire Rescue Impact Fees Fund. **(Capital Improvements Division) District 5** (MWJ)



3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file:

- A) a Funding Approval/Agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$6,471,405 for the Fiscal Year 2023-2024 Community Development Block Grant Program (CDBG);
- B) a Funding Approval and HOME Investment Partnerships Agreement with HUD in the amount of \$2,673,040 for the Fiscal Year 2023-2024 HOME Investment Partnerships Program (HOME); and
- C) a Funding Approval/Agreement with HUD in the amount of \$570,614 for the Fiscal Year 2023-2024 Emergency Solutions Grant Program (ESG).

**SUMMARY:** These Funding Approvals/Agreements constitute the contracts between HUD and the County for the receipt of Federal funds, and are now being submitted to the BCC to receive and file. The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development (HED) in accordance with Agenda Item 6D-3 (R2023-1013) as approved by the BCC on July 11, 2023 that delegated authority to the County Administrator or designee to execute forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Action Plan, CDBG, HOME and ESG activities. County PPM CW-O-051, provides that all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **The ESG required local match (\$570,614) will be provided by Adopt-A-Family of the Palm Beaches, Children's Home Society, Young Women's Christian Association, Salvation Army, Aid to Victims of Domestic Abuse, Inc., the Department of Community Services, and HED. The HOME required local match (\$568,021) will be provided from the State Housing Initiatives Partnership Program. CDBG funds require no local match. Countywide (HJF)**

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of one or more series of Revenue Bonds for Lifespace Communities, Inc. by the Palm Beach County Health Facilities Authority in an aggregate principal amount not to exceed \$225,000,000. **SUMMARY:** Lifespace Communities, Inc., an Iowa non-profit corporation ("Corporation") has requested the Palm Beach County Health Facilities Authority ("Authority") issue Revenue Bonds in an amount not to exceed \$225,000,000 pursuant to a TEFRA public hearing held on October 12, 2023 by the Authority. The bonds are to be issued by the Authority for the purpose of providing funds to the Corporation to finance, refinance, and reimburse the costs of additions renovations, remodeling, equipping and miscellaneous capital improvements to the life care communities of Lifespace Communities, Inc., known as Harbour's Edge located at 401 East Linton Boulevard in Delray Beach, Florida 33483 and The Waterford, located at 601 Universe Boulevard, Juno Beach, Florida 33408. All facilities to be financed by the Bonds are owned or leased and operated by the Corporation. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this Resolution does not in any way obligate the County. One or more documents approved by the Authority in the Resolution authorizing the issuance of the Bonds will include language creating a contractual obligation of the borrower substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.**  
Districts 1 & 7 (DB)

3. CONSENT AGENDA APPROVAL

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

3. **Staff recommends motion to approve:** the following appointments/reappointments to the Treasure Coast Regional Planning Council (TCRPC) Comprehensive Economic Development Strategy (CEDS) Committee, for a two year term (January 1, 2024 to December 31, 2025):

**Appoint:**

Peggy Boule-Washington

Chrislie Paul (Alternate)

Tim Tack

Bonnie Nicklien (Alternate)

Shawn Rowan

Kristen Liberman (Alternate)

**Nominated By:**

Commissioner Weiss

Commissioner Woodward

Commissioner Weiss

Commissioner Marino

Commissioner Weiss

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

Commissioner Marino

Commissioner Weiss

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

**Reappoint:**

Sherry Howard

Alan Chin Lee (Alternate)

Peter Pignataro

Julia Dattolo (Alternate)

**Nominated By:**

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

Commissioner Marino

Commissioner Weiss

Commissioner Woodward

3. CONSENT AGENDA APPROVAL

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

3. **SUMMARY:** The TCRPC manages and maintains the CEDS Committee, which is a requirement of the U.S. Department of Commerce Economic Development Administration (EDA), whose purpose is to oversee and guide regional economic development planning. The Committee is comprised of five (5) appointees from each of the four (4) Counties of the Treasure Coast Region (Palm Beach, Martin, St. Lucie and Indian River). Every two years, TCRPC requests the Board of County Commissioners (BCC), as the appointing authority for Palm Beach County, to review its existing CEDS members, and appoint or reappoint members and alternates who can represent the main economic interests of the region. Staff conducts targeted outreach in an effort to proffer candidates that contribute to a diverse representation on the Committee. The diversity count of the five (5) representatives recommended for appointment/reappointment demonstrates a racial/ethnic breakdown as follows: Caucasian: 4 (80%); African-American: 1 (20%). The gender ratio (female:male) is 3:2. Staff is addressing the need to increase diversity within our boards and will continue to encourage this to expand this Board's diversity. Countywide (DL)

3. CONSENT AGENDA APPROVAL

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

4. Staff recommends motion to approve: appointment of one (1) nominee to the Commission on Affordable Housing (CAH) to complete a term through February 8, 2024, plus a full three (3) year term commencing February 9, 2024 and ending February 8, 2027; and one (1) nominee to the CAH to complete a term through July 9, 2024:

<u>Category:</u>	<u>Appoint:</u>	<u>Nominated By:</u>
Essential Personnel	Tim Kubrick	Commissioner Marino Commissioner Weiss Commissioner Barnett Commissioner Woodward
Not-for-Profit Provider	Shirley Erazo	Commissioner Marino Commissioner Weiss Commissioner Barnett Commissioner Woodward

**SUMMARY:** CAH conducts an annual review of established and proposed policies and procedures, ordinances, land development regulations, and comprehensive plan of the County and to recommend actions or initiatives to encourage or facilitate affordable housing. Staff recommends appointment of Tim Kubrick to fill one (1) unexpired term through February 8, 2024, plus a full three (3) year term, and appoint Shirley Erazo to complete an unexpired term through July 9, 2024. In accordance with Section 420.9076, Florida Statutes and Ordinance No. 2017-017, the CAH functions to review local affordable housing policies and incentive strategies, and to provide recommendations to the County regarding the same. Section 420.9076, Florida Statutes calls for a minimum of eight (8) and a maximum of 11 members representing various categories related to affordable housing. Members serve three (3) year terms. Appointment of the two (2) unopposed nominees will result in the maximum 11 member CAH. With the appointment of the two (2) nominees, a diversity count of the 11 members will demonstrate a racial/ethnic breakdown of Caucasian: 8 (73%) and African American 3 (27%), and a gender ratio (female: male) of 1: 2.75. Staff is addressing the need to increase diversity within our boards and will continue to encourage this to expand this Board's diversity. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

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

5. Staff recommends motion to:

**A) receive and file** an Assignment of Developer Rights from Northwest Riviera Beach Community Redevelopment Corporation (“Assignor”) to Palm Beach County (“County”) for development rights as developer of Brooks Subdivision; and

**B) accept** a Quit-Claim Deed issued by the Assignor for a drainage easement parcel located within the Brooks Subdivision site in Riviera Beach (PCN 56-43-42-29-65-004-0000).

**SUMMARY:** Brooks Subdivision is a single-family affordable housing development that was not completed by the Assignor and remains vacant. It is comprised of 22 buildable lots owned by the County, and a drainage easement. The development of Brooks Subdivision was originally initiated over 15 years ago by the Assignor, who established the Brooks Subdivision Home Owners Association (“HOA”) and recorded the Brooks Subdivision Plat. The declaration that established HOA identified specific development rights in favor of the Assignor. As owners of the 22 lots, the County controls the HOA, including the development rights, and the plat dedicated the rights for the use and maintenance of the Drainage Easement to the HOA, but not the actual title to the Drainage Easement. In an abundance of caution, the County requested the Assignment of Developer Rights as specified in the declaration that established the HOA, and a Quit-Claim deed for the title to the Drainage Easement from the Assignor. In support of the Brooks project and its desire to see the Brooks development proceed, the Assignor agreed to both requests at no cost to the County. This Assignment of Developer Rights will and further secure unquestionable development rights, and the Quit-Claim Deed will secure clean title to the drainage easement to the County for Brooks Subdivision and enable its development for affordable and/or workforce housing. District 7 (HJF)

3. CONSENT AGENDA APPROVAL

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

6. Staff recommends motion to receive and file: a Loan Agreement in the amount of \$1,499,500 in State Housing Investment Partnership (SHIP) Program funds with Wells Landing Apartments, LLC. **SUMMARY:** The Loan Agreement with Wells Landing Apartments, LLC, provided \$1,499,500 in SHIP Program funds toward the construction of Wells Landing, a 124-unit multifamily rental development on Dr. Martin Luther King Jr. Boulevard in Boynton Beach. The project will include twenty-one (21) SHIP-assisted units for tenants with incomes no greater than 30% of Area Median Income. The project's total budgeted construction costs excluding construction contingency is \$22,562,500, which equates to \$181,955 per housing unit, and the amount of SHIP funding per unit is \$71,404. The document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 5C-2, as approved by the BCC on June 14, 2022, that delegated authority to the County Administrator or designee to execute agreements, amendments, and all other related documents necessary for project implementation. Agenda Item 5C-2 dated June 14, 2022, awarded SHIP Program Funds to successful respondents to Request for Proposal HED.2022.1. County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **These are State SHIP Program grant funds that do not require a local match.** District 7 (HJF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 16 to the Consulting/Professional Services for General Utility, Architectural and Value Engineering Services Contract (Contract) with Chen Moore and Associates, Inc. (Consultant) for the ISO 55001 Re-Certification Audit and Surveillance Audits (Project) for a not to exceed amount of \$138,460. **SUMMARY:** On December 15, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1891) with Consultant. CSA No. 16 provides for professional consulting services needed to prepare and obtain the International Organization for Standardization (ISO) 55001 re-certification for the next three (3) years. The re-certification process will consist of a full audit of the asset management system and will ensure conformity with the requirements of the ISO 55001 standard, as well as the conformity of the system with PBCWUD's documentation. During the surveillance phase, the asset management system will be partially checked for each monitoring audit, so that all elements of ISO 55001 are monitored at least once by the end of the cycle. 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% SBE participation, which includes 17% MBE participation, 17% MBE (B). CSA No. 16 includes 0% SBE participation, which includes 0% MBE participation, 0% MBE (B). The cumulative SBE participation including CSA No. 16 is 24.34% SBE participation, which includes 8.64% MBE participation, 8.64% 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 FY24 budget. (PBCWUD Project No. 23-049) Countywide (MWJ)



3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. Staff recommends motion to approve: Contract for Consulting/Professional Consulting Services for three (3) year terms with the following firms:
  - A) JLA Geosciences, Inc. (JLA) for the Utility Hydrogeologic Engineering Services (Hydrogeologic Contract);
  - B) Electrical Design Associates, Inc. (EDA) for the Electrical Instrumentation and Telemetry Engineering Services (Electrical Contract);
  - C) Hillers Electrical Engineering, Inc. (Hillers) for the Electrical Instrumentation and Telemetry Engineering Services (Electrical Contract);
  - D) Hazen & Sawyer, P.C. (H&S) for the Wastewater Engineering Services (Wastewater Contract); and
  - E) Chen Moore and Associates, Inc. (CMA) for the General Utility, Architectural and Value Engineering Services (General Utility Contract).

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. **SUMMARY:** The Contracts will provide professional engineering and consulting services for Palm Beach County Water Utilities Department (PBCWUD) projects. The Hydrogeologic Contract will provide hydrogeologic engineering services for improvement and expansion of wellfield systems. The Hydrogeologic Contract was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On April 5, 2023, the Goal Setting Committee (GSC) applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to 15 points based upon the relative level of dollar participation by African American owned firms. JLA has met the established API for this Hydrogeologic Contract. The Hydrogeologic Contract with JLA provides for 89% SBE participation, which includes 9% MBE participation, 8% MBE (A), and 1% MBE (B). JLA is a Palm Beach County based company. (PBCWUD Project No. 23-026). The Electrical Contract will provide electrical instrumentation and telemetry engineering services for renewal, replacement, and expansion of electrical and I&C (Instrumentation and Control) systems. The Electrical Contract was procured under the requirements of the EBO Ordinance. On April 5, 2023, the GSC applied an API of up to 15 evaluation preference points be reserved for all SBE prime respondents. EDA and Hillers have met the established API for this Electrical Contract. The Electrical Contract with EDA provides for 100% SBE participation, which includes 100% MBE participation, 100% MBE (B). EDA is headquartered in Orlando, Florida, but maintains an office in Palm Beach County from which the majority of the work will be performed. The Electrical Contract with Hillers provides for 100% SBE participation, which includes 100% MBE participation, 100% MBE (A). Hillers' is a Palm Beach County based company. (PBCWUD Project No. 23-027). The Wastewater Contract will provide architecture, engineering, land surveying, and geotechnical services for renewal, replacement, and expansion of Wastewater Treatment Facilities. The Wastewater Contract was procured under the requirements of the EBO Ordinance. On April 5, 2023, the GSC applied an API of a minimum mandatory 20% SBE subcontracting goal and up to 15 evaluation preference points based upon the relative level of dollar participation by African American owned firms. H&S met the established API for this Wastewater Contract.

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. **SUMMARY (cont'd.):** The Wastewater Contract with H&S provides for 32% SBE participation, which includes 32% MBE participation, 20% MBE (B), 7% MBE (A), and 5% WBE. H&S is headquartered in New York, New York, but maintains an office in Palm Beach County from which the majority of the work will be performed. (PBCWUD Project No. 23-028). The General Utility Contract will provide architecture, engineering, land surveying, and geotechnical services for renewal, replacement, and expansion of utility systems. The General Utility Contract was procured under the requirements of the EBO Ordinance. On April 5, 2023, the GSC applied an API of a minimum mandatory 20% SBE subcontracting goal and up to 15 evaluation preference points based upon the relative level of dollar participation by African American owned firms. CMA has met the established API for this General Utility Contract. The General Utility Contract with CMA provides for 31% SBE participation, which includes 23% MBE participation, 23% MBE (B). CMA is headquartered in Fort Lauderdale, but maintains an office in Palm Beach County from which the majority of the work will be performed. (PBCWUD Project No. 23-029) Countywide (MWJ)
  
3. **Staff recommends motion to approve:** Work Order (WO) No. 4 to the 2022 Pipeline Continuing Construction Contract (Continuing Contract) with Hinterland Group Inc., (Contractor) for the Priority Aerial Canal Crossing Improvement Phase 3 (Project) in the amount of \$1,212,748.40. **SUMMARY:** On May 16, 2023, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Continuing Contract (R2023-0676) with Contractor. WO No. 4 provides for the replacement of one (1) aerial canal crossing and installation of one (1) new aerial canal crossing to make a complete connection of the reclaimed water system. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On September 8, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. The Contract provides for 20.96% SBE participation, which includes 5.85% MBE participation, 5.38% MBE (H). WO No. 4 includes 7.09% SBE participation. The cumulative SBE participation, including WO No. 4, is 7.09% SBE. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 21-035) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

4. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Consulting/Professional Services Wastewater Engineering Services (WW Contract) with Brown and Caldwell (Corporation) (Consultant) for the Western Region North Wastewater Treatment Facility (WRNWWTF) Electrical and Wet Weather Construction Phase Services (Project) for a not to exceed amount of \$843,898.18. **SUMMARY:** On December 15, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) WW Contract (R2020-1892) with Consultant. CSA No. 3 provides for engineering services during construction of the Project. Services include, but are not limited to, construction management services, field observations, project administration and review of deliverables. The major Project components include: (i) construction of a fully enclosed backup power generator, (ii) installation of pre-cast concrete electrical building with associated 480 volt switchgear and motor control centers, (iii) auger cast pile foundations for generator and electrical building, (iv) replacement of the plant-wide controls system, (v) replacement of process piping ranging in size from 6-inch to 16-inch, and (vi) various site improvements such as perimeter security fence, lightning protection, and site lighting. The WW Contract was procured under the requirements of the EBO 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 African American owned firms. The WW Contract provides for 23% SBE participation, which includes 23% M/WBE participation, 20% MBE (B), 2% MBE (A) and 1% WBE. CSA No. 3 includes 19.70% SBE participation. The cumulative SBE participation including CSA No. 3 is 21.64% SBE participation, which includes 21.64% M/WBE participation, 4.72% MBE (B), 4% MBE (A), and 0.95% WBE. Consultant is headquartered in Walnut Creek, California, 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 FY24 budget. (PBCWUD Project No. 19-035) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

- A) **approve** an Agreement with the Andrew “Red” Harris Foundation, Inc. (ARHF) wherein ARHF will provide donated artificial reef material to the County in exchange for the County agreeing to place the material within permitted artificial reef sites offshore of northern Palm Beach County for an amount not to exceed \$300,000 beginning January 1, 2024 and ending December 31, 2026;
- B) **adopt** a Resolution authorizing the Clerk of the Court to disburse \$300,000 from the Vessel Registration Fee Trust Fund to provide the necessary funding for the placement of artificial reef material;
- C) **approve** a Budget Transfer of \$300,000 from the reserves in the Environmental Enhancement Non-Specific Fund to the ARHF Reef Project; and
- D) **authorize** the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement.

**SUMMARY:** On December 15, 2020, the Board of County Commissioners approved an Agreement, R2020-1902, with the ARHF for the donation of reef material in exchange for the County providing trucking, barge transport, and installation costs for an amount not to exceed \$300,000. That Agreement expires on December 31, 2023. The new Agreement with the ARHF continues that arrangement for the next three years. The County will cover the cost to load, transport, and place the reef material at one or more permitted County artificial reef sites, with funding of \$300,000 from the Vessel Registration Fee Trust Fund. District 1 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

2. Staff recommends motion to:

- A) **accept** State of Florida Department of Environmental Protection (DEP) Change Order of \$599,467.45, which includes funding for Palm Beach County (PBC) to conduct reef restoration work, and pass through funding for Healthy Aquatics Marine Institute of Florida Inc. DBA The Reef Institute (Reef Institute) to acquire, study, and outplant corals to PBC reefs, beginning July 11, 2023 and terminating June 30, 2024;
- B) **approve** Budget Amendment of \$167,071 in the Environmental Resources Capital Projects Fund to recognize the additional revenue from DEP; and
- C) **approve** Amendment Number 1 to Agreement Between Palm Beach County and Healthy Aquatics Marine Institute of Florida Inc. (R2023-0944) For A Cost Reimbursement of The Phase 4A Coral Restoration Project (Agreement) to extend the term of the Agreement from December 31, 2023 to June 30, 2024, increase the amount of cost reimbursement from \$389,327.33 to \$555,147.84, and modify Exhibit A, the Project Work Plan, to reflect the DEP change order.

3. CONSENT AGENDA APPROVAL

L. **ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)**

2. **SUMMARY:** On March 17, 2020 and again on February 2, 2021, the Board of County Commissioners (BCC) approved Agreements R2020-0319 and R2021-0192, respectively, to pass money from DEP to Reef Institute to acquire, maintain, and propagate corals and enhance a land-based nursery. On July 11, 2023, the BCC accepted a DEP purchase order in the amount of \$432,396.93, and approved a third Agreement (R2023-0944) to pass funding from DEP to Reef Institute to rear additional corals, study the effects of medical treatments on captive corals, and outplant corals to PBC reefs. The DEP purchase order funded \$389,327.33 for Reef Institute's project, and \$43,069.60 for the County, which included project administrative costs as well as funding for County-led restoration and monitoring of reefs. The Agreement, and the associated \$389,327.33 in funding from DEP to Reef Institute, was set to terminate on December 31, 2023, at which point Reef Institute expected to receive funding directly from DEP instead of relying on the County to act as a pass-through agency. However, DEP no longer expects authorization to disburse funds directly to not-for-profit entities such as Reef Institute until July 2024. Therefore, DEP has requested that PBC continue to pass DEP funding through to Reef Institute until June 30, 2024, and has issued a change order to extend funding to Reef Institute under the original purchase order from December 31, 2023 to June 30, 2024, increase the amount of funding for Reef Institute by \$165,820.51, and increase funding for the County's administrative costs by \$1,250. This brings the total change order to \$599,467.45, with \$44,319.61 covering the County's project costs plus administrative costs and \$555,147.84 covering Reef Institute project costs. The County will continue to receive deliverables from Reef Institute and submit those as an invoice to DEP. Upon payment by DEP to the County, the County will pay Reef Institute. The County will also continue to submit its own deliverables to DEP as described in the DEP change order. There is no cost to the County. Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

3. Staff recommends motion to:

**A) approve** Amendment No. 1 to the State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 23PB8 (Agreement), providing an additional \$1,022,035.03 for construction expenses to repair erosional damage related to Hurricanes Ian and Nicole (Project); and

**B) approve** a Budget Amendment of \$1,022,035 in the Beach Improvement Fund to recognize the revenue award from FDEP.

**SUMMARY:** On May 16, 2023, the Board of County Commissioners approved the Agreement (R2023-0680), originally providing up to \$962,759.06 for eligible costs for storm repairs completed as a result of Hurricanes Ian and Nicole at four beach and dune restoration sites. Amendment No. 1 provides an additional \$1,022,035.03 that FDEP has available from the original legislative supplemental appropriation to cover the remainder of construction costs of the Project. Dune restorations at two of the Project sites, Coral Cove and Singer Island, were constructed during winter 2022/2023. **There is no cost to the County.** District 1 (SS)

4. Staff recommends motion to:

**A) approve** Contract for Consulting/Professional Services (Contract) with the Florida Fish and Wildlife Conservation Commission (FWC) to provide fisheries monitoring in the Lake Worth Lagoon (LWL) in an amount not to exceed \$184,935.47, commencing upon execution and expiring on September 30, 2027; and

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

**SUMMARY:** The Contract authorizes FWC to provide continued fisheries monitoring in the LWL as part of monitoring efforts described in the LWL Management Plan. FWC will compare fisheries presence, utilization and recruitment between the central LWL at County restoration sites and seagrass habitats in the northern Lagoon. Fisheries monitoring within the current FWC Contract (R2020-1820) will be completed on December 30, 2023, with final report due on June 15, 2024, and contract expiration on July 31, 2024. The new Contract will begin prior to expiration of the current contract in order to ensure there is no gap in fisheries monitoring. Fisheries monitoring under the new Contract will begin in January, 2024. The monitoring project is funded by the Pollution Recovery Trust Fund. District 1,2,7 (SS)



3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following two (2) executed Entertainment Contractor Agreements:

A) Simply Tina, LLC in an amount not to exceed \$2,500 for the Simply Tina concert at Seabreeze Amphitheater on October 14, 2023; and

B) SRB Entertainment, LLC in an amount not to exceed \$600 for the Samantha Russell Duo Concert at Canyon Amphitheater on September 16, 2023.

**SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship in the amount of \$6,000 from Nostalgic America offset the expenses of the concert at Canyon Amphitheater. These Entertainment Contractor 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 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. 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 1 and 5 (AH)

2. Staff recommends motion to receive and file: an executed Sound and Light Production Service Contractor Agreement with Sanderford Sound, Inc., in an amount not to exceed \$2,590 for Simply Tina Concert at Seabreeze Amphitheater on October 14, 2023. **SUMMARY:** This Sound and Light Production Service Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolutions 2010-0645, 2014-0167, 2017-1368 and 2018-0179. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd.)

3. **Staff recommends motion to receive and file:** an executed Amphitheater Rental Agreement with the American Cancer Society, Inc., for the Making Strides Against Breast Cancer Event at Sunset Cove Amphitheater, for the period of October 13, 2023 through October 14, 2023. **SUMMARY:** This Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. District 5 (AH)
  
4. **Staff recommends motion to receive and file:** an executed Special Events Rental Agreement with Battle Bros LLC, for the South Florida Tacos and Treats Festival at John Prince Park, for the period October 12, 2023 through October 16, 2023. This event generated \$7,927 in revenue, with \$2,427 in direct expenses; thus providing a net fiscal impact of \$5,500. **SUMMARY:** The Parks and Recreation Department assists users in obtaining the necessary permits to hold special events in County Parks. This Special Events Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution R2021-1552. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 3 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

- A) **ratify** the Mayor's signatures on a grant application and a Chief Executive Officer standard assurances and certifications document for the Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Formula Federal FY23 Direct Grant (JAG) in the amount of \$145,193 beginning October 1, 2022 through September 30, 2026 to fund the Palm Beach County Reentry Program;
- B) **approve** the grant award #15PBJA-23-GG-03303-JAGX from the DOJ Edward Byrne Memorial Justice Assistance Formula Federal FY23 Direct Grant in the amount of \$145,193 beginning October 1, 2022 through September 30, 2026 to fund the Palm Beach County Reentry Program and equipment that will be used to support the work of the CJC;
- C) **approve** an upward Budget Amendment of \$13,645 in the Justice Services Grant Fund to increase the budget to the award; and
- D) **authorize** the County Administrator or designee to execute any amendments, reports, or documents relating to this agreement on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office and within budgeted allocations.

**SUMMARY:** Palm Beach County (PBC) was allocated \$145,193 in Federal FY23 (County FY24) funds as part of the JAG Direct Program (CFDA #16.738) for expenditure during the period beginning October 1, 2022 through September 30, 2026. This award is \$13,645 more than originally budgeted. The CJC approved allocating \$131,548 in continuation funding for the PBC Reentry Program to provide intensive case management services for individuals returning to PBC after a period of incarceration. The additional \$13,645 is allocated for equipment to support the work of the CJC. In County FY23, approximately 663 adults (358 Sago Palm Reentry Center and 305 post-release) have been served by the County's Reentry Program, which includes 137 pre-release new enrollments at Sago Palm and 182 post-release new enrollments. The program provided linkage to 78% percent of participants who needed housing assistance and 79% of those who needed assistance with behavioral health services. DOJ funds were also used to incorporate evidence-based programming such as Moral Reconciliation Therapy, Inside Out Dads, Peer Groups, and Casual Conversations with a Behavioral Health Specialist. The JAG Program – Local Solicitation Application was submitted through the emergency process to meet the application deadline, and on September 26, 2023, the CJC was notified by the DOJ that the JAG Program – Local Solicitation grant was awarded. **No local match is required for this grant.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (cont'd.)

2. Staff recommends motion to approve:

- A) appointment of Mr. Marty Perry to serve out the remaining term of seat 29, a private-sector member seat of the Criminal Justice Commission through December 31, 2024; and
- B) appoint Mr. Perry to an additional three-year term beginning January 1, 2025 to December 31, 2027.

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Marty Perry	29	12/31/2027	Economic Council

**SUMMARY:** The Criminal Justice Commission (CJC) studies all aspects of the criminal justice and crime prevention systems within the County, as well as the health and human services and educational systems as they pertain to criminal justice and crime prevention, and makes recommendations to the Board of County Commissioners (BCC) on policies and programs. As codified in the Palm Beach County Code Chapter 2, Article V, Division 5, sec. 2-216(e), CJC vacancies occurring during a term shall be filled for the unexpired term, and shall not count toward the member's term limits. Mr. Marty Perry is nominated by the Economic Council to fill seat 29, a private-sector member CJC seat vacated by its past Chair, Mr. Joseph Ianno, Jr. Mr. Ianno's term expires on December 31, 2024. Upon serving out Mr. Ianno's term, the Economic Council is nominating Mr. Perry's to serve a subsequent three-year term beginning January 1, 2025 and ending December 31, 2027. The CJC has 32 seats; 31 seats currently filled and a diversity count of Caucasian: 23 (74%), African-American: 7 (23%), and Hispanic: 1 (3%). The gender ratio (female: male) is 10:21. The nominee is a Caucasian male. Staff continues to address the need for increased diversity within our boards and will continue to encourage expansion of this Council's diversity. Countywide (HH)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. ~~Staff recommends motion to approve:~~ the appointment of one (1) member to the Child Care Advisory Council to fill the position listed below.

<u>SEAT #</u>	<u>NOMINEE:</u>	<u>REQUIREMENT:</u>	<u>TERM</u>	<u>NOMINATED BY:</u>
6	Christy O'Hearn	Parent Representative of a child attending a child care facility	12/5/2023 To 11/30/2026	Mayor Weiss

~~**SUMMARY:** The Child Care Advisory Council (Council) shall advise the Board of County Commissioners (BCC) and make recommendations regarding issuance and revocation of licenses for child care facilities, and rules and regulations necessary to protect the health and safety of persons in child care facilities, child care homes and family day care facilities. The Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. Membership consists of: two (2) members who represent and operate private child care facilities in Palm Beach County, one (1) of whom operates a family day care home or large family child care home; one (1) member who represents and operates a parochial child care facility in Palm Beach County; one (1) consumer protection enforcement official; one (1) member with fire protection, engineering or technology expertise; one (1) member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County; and one (1) representative from the Florida Department of Children and Families. The applicant for appointment to Seat #6, Christy O'Hearn, is a parent of a child attending a child care facility. The diversity count for the six (6) seats currently filled is Caucasian: 3 (50.0%), African American: 2 (33.3%), and Hispanic American: 1 (16.7%). The gender ratio (female: male) is 6:0. The nominee for Seat 6 is a Caucasian female. Staff continues to address the need for increased diversity within our boards and will continue to encourage expansion of this Council's diversity. Countywide (HH).~~

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve: a Contract for Professional Services with Dr. Marc Kramer, DVM, for relief veterinary services at the main shelter in an amount not to exceed \$124,800 for the period December 5, 2023 through December 4, 2024 with automatic renewals for three additional one-year terms. **SUMMARY:** The Animal Care and Control Division (ACC) is required to provide appropriate and necessary veterinary services for sheltered animals. The relief veterinarian will enable staff to maintain an acceptable number of veterinarians to handle the volume of animals processed, especially during periods of high influx. This contract is estimated to provide services to 1,500 animals per year. ACC's veterinary staff provides services to approximately 15,000 animals each year; which includes more than 10,000 intake medical exams annually, over 200 daily medical treatments, and a variety of other services. Countywide (SF)
  
2. Staff recommends motion to receive and file: the executed Palm Beach County Sheriff's Office State Law Enforcement Trust Fund Agreement (LETf) which provides partial funding of expenses associated with regulation of home caregivers in the amount of \$15,000 for the period July 1, 2023 through June 30, 2024. **SUMMARY:** The Department of Public Safety Division of Consumer Affairs administers the Home Caregiver Ordinance, a general fund program. While home caregivers affiliated with an agency pay a \$30 application fee and private/independent caregivers pay a \$100 application fee for the ID Badge, there is an annual shortfall of revenue that is offset by general funds. To close this revenue shortfall and keep the 5-year ID badge affordable, staff submitted an application to PBSO for LETf funding and was subsequently notified of the \$15,000 award. R2021-1848 authorized the County Administrator or designee to sign future LETf agreements including amendments and renewals that do not change the scope of work or terms and conditions of the contract. The County received the fully executed agreement on September 22, 2023. Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

3. Staff recommends motion to approve: the State of Florida Division of Emergency Management (FDEM) Statewide Mutual Aid Agreement (SMAA) – 2023 replacing the previous 2018 SMAA, for a period of one (1) year from date of execution with automatic renewals each year. **SUMMARY:** The SMAA is promulgated by the State of Florida and sets forth the standard protocols to be used in the request, utilization, and reimbursement process associated with requests for mutual aid resources. The SMAA – 2023 is a full revision of the previous SMAA and FDEM is requesting the new version be executed. The SMAA provides Palm Beach County the authority, as a requesting party, to request assistance from any other participating party, including FDEM, when resources are inadequate to meet the needs of the emergency or disaster. All County municipalities and most taxing districts with emergency response capabilities are signatories on the SMAA. Palm Beach County is vulnerable to a wide range of disasters that are likely to cause the disruption of essential services and the destruction of the infrastructure needed to deliver critical services. The County may be either the requesting or assisting party in accordance with the SMAA. The requesting party has the responsibility for reimbursing the assisting party for expenses incurred and reimbursement would be sought if a disaster is declared. Countywide (DB)
  
4. Staff recommends motion to approve: the Interlocal Agreement with the School Board of Palm Beach County (School Board) relating to the staffing and payment for school employees working at emergency shelters beginning upon execution of this agreement and will remain in effect until November 30, 2033 or sooner replaced by substitute agreement or otherwise terminated by either party. **SUMMARY:** The County will reimburse the School Board for costs to open, staff, and operate the emergency shelters, in partnership with the County and to repair or replace property lost or damaged from the use of the school facilities as emergency shelters. The County will reimburse overtime costs, which includes straight time pay and time and one-half pay, directly associated with facility operation in accordance with the School Board's Emergency or Disaster Compensation and Cost Policy. The County will not reimburse for the School Board employees' regularly scheduled salary. School Board staff operating the facility could include administrative, cafeteria, custodial, and police officers. The agreement does not provide a disclosed amount for reimbursement due to the uncertainty of the level of impact a disaster can have on Palm Beach County. Countywide (DB)



3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

5. Staff recommends motion to approve: the following First Amendments to Interlocal Agreements with governmental agencies to provide temporary medical staff to disaster shelters located in their municipal boundaries for the duration of the shelter activation for a term of five (5) years through April 11, 2028 and allow for future extensions in five year increments:

1. City of Greenacres;
2. City of Palm Beach Gardens; and
3. City of West Palm Beach.

**SUMMARY:** The County operates disaster shelters all across Palm Beach County. Emergency activations have shown the need for emergency medical services (EMS) to be present at all times at all disaster shelter locations. Currently, there are fifteen (15) emergency shelters, with seven (7) of them serviced by their respective municipal Fire Rescue Department. Interlocal Agreements with the six (6) municipalities were originally executed in 2018 with an initial term of five (5) years. The original Interlocal Agreements provide that the parties may mutually agree to renew for another term of five (5) years, which must be documented in a written amendment executed by both parties. The First Amendment to Interlocal Agreements will allow the municipal fire rescue departments to staff and assign EMS prior to a disaster to ensure that the shelter has EMS present at all times. The County and the Cities wish to extend the term of the Interlocal Agreement for an additional five (5) years, extending the term to 2028. The remaining three (3) Interlocal Agreements will be brought to the Board at a later date. The County will reimburse government agencies for eligible costs and request reimbursement from the Federal Emergency Management Agency. Countywide (DB)



3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

6. Staff recommends motion to receive and file: Agreements with seven (7) governmental agencies for reimbursement for medical equipment purchases from Emergency Medical Services (EMS) grant funding received by the County from the State:

1. City of Boynton Beach;
2. City of Greenacres;
3. Village of North Palm Beach;
4. Town of Palm Beach;
5. City of Palm Beach Gardens;
6. Village of Tequesta; and
7. City of West Palm Beach.

**SUMMARY:** The County was awarded \$174,438 (CSFA #64.005) during the FY 2022-23 grant cycle from the State of Florida Department of Health, EMS Bureau, to improve and expand EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment. Accordingly, the County has agreed to reimburse the following municipalities: City of Boynton Beach for the purchase of eleven (11) Mangar ELK lifting cushions plus Airflo 24 compressor not to exceed the amount of \$15,400; City of Greenacres for the purchase of a Resuscitation Training Kit not to exceed the amount of \$15,562.74; Village of North Palm Beach for the purchase of a Lucas 3 Chest Compression System with attachments not to exceed the amount of \$21,203; Town of Palm Beach for the purchase of two (2) Lumify Ultrasound Systems not to exceed the amount of \$12,590; City of Palm Beach Gardens for the purchase of eight (8) Lifepak CR2 Trainers not to exceed the amount of \$7,439.68; Village of Tequesta for the purchase of a Lucas 3 Chest Compression System not to exceed the amount of \$19,266.95; and City of West Palm Beach for a Zoll X Series Advanced Monitor/Defibrillator not to exceed the amount of \$38,687.11. The remaining \$44,288.52 will be used to support the pending City of Delray Beach and the City of Riviera Beach EMS Grant agreements. The equipment was approved based upon a countywide assessment by a grant review committee of licensed EMS providers reporting to the EMS Advisory Council. On August 13, 2013, the County Administrator or designee was authorized to execute these standard agreements between the County and various governmental and non-governmental agencies and make non-substantive and ministerial changes on behalf of the Board of County Commissioners after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (SB)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to: **A) Receive and File** Modification #4 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 December 31, 2023 through March 15, 2024. **SUMMARY:** On September 13, 2022, the Board of County Commissioners (BCC) accepted a grant award for the FY21 UASI Grant Program in the amount of \$1,909,519, for the period of August 2, 2022 through June 30, 2023 (R2022-1008). On April 18, 2023, the BCC accepted \$30,000 in supplemental funds (R2023-0526). On July 11, 2023, the BCC approved an extension through October 31, 2023 (R2023-0966). On August 22, 2023, the BCC approved an extension through December 31, 2023 (R2023-1152). This agenda item will extend the period of performance through March 15, 2024. **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).

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Subgrant Agreement from the State of Florida Department of Transportation (FDOT) for the Palm Beach County Sheriff's Office, City of Lake Worth Beach and Village of Royal Palm Beach Impaired Driving Strategy, in the amount of \$200,000, for the period of October 27, 2023 through September 30, 2024; and

**B) approve** a Budget Amendment of \$200,000, increasing the Sheriff's Grants fund.

**SUMMARY:** On October 27, 2023, the Florida Department of Transportation awarded a grant to the Palm Beach County Sheriff's Office in the amount of \$200,000, to support an Impaired Driving Initiative in the City of Lake Worth Beach and the Village of Royal Palm Beach. Funds will be used to support overtime costs associated with the Impaired Driving project. There is no match requirement associated with this award. The Catalog of Federal Domestic Assistance (CFDA) number is 20.616, the project number is M5HVE-2024-00168, and the FDOT Contract number is G2P72. Countywide (RS).

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd.)

3. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Subgrant Agreement from the State of Florida Department of Transportation (FDOT) for the Palm Beach County Sheriff's Office, Palm Beach County Motorcycle Safety Project, in the amount of \$175,000, for the period of October 13, 2023 through September 30, 2024; and

**B) approve** a Budget Amendment of \$175,000, increasing the Sheriff's Grants fund.

**SUMMARY:** On October 13, 2023, the Florida Department of Transportation awarded a grant to the Palm Beach County Sheriff's Office in the amount of \$175,000, to support a Motorcycle Safety Project in Palm Beach County. Funds will be used to support overtime costs and training associated with the Motorcycle Safety Project. There is no match requirement associated with this award. The Catalog of Federal Domestic Assistance (CFDA) number is 20.600, the project number is MC-2024-00306, and the FDOT Contract number is G2024. Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (cont'd.)

4. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a donation from The Howard E. Hill Foundation, Inc., in the amount, of \$50,000 for the FY2023-24 Gunfire Detection and Location Project; and

**B) approve** a Budget Amendment of \$50,000 in the Sheriff's Grant Fund.

**SUMMARY:** On September 28, 2023, the Palm Beach County Sheriff's Office (PBSO) accepted a donation from The Howard E. Hill Foundation, Inc., to offset the contractual services cost of a ShotSpotter for our Gunfire Detection and Location Project. PBSO is providing a \$60,250 match through our FY24 general fund operating budget. Countywide (RS)

DD. OFFICE OF RESILIENCE

1. Staff recommends motion to approve: an indemnification agreement between Forbright Bank, as an Administrator of Florida Resiliency and Energy District, and Palm Beach County, Florida. **SUMMARY:** The Board of County Commissioners (BCC) has authorized a County Property Assessed Clean Energy (PACE) program for third parties to provide funding for energy efficiency, renewable energy, and wind-resistant improvements for residential and commercial properties by levying non-ad valorem assessments on property owner tax bills. The County enters into interlocal agreements (ILAs) with multiple PACE agencies/authorities/districts (Districts) for them to provide the financing for qualifying improvements. Districts are then required to obtain indemnification agreements from all third-party administrators whom the Districts use to execute PACE financing. In the ILA between Palm Beach County and the Florida Resiliency and Energy District (FRED) district (R 2017-1098), the BCC authorized the County Administrator or designee to execute such indemnification agreements with subsequent administrators of FRED. The BCC then rescinded such delegated authority at the September 10, 2019, BCC meeting. The Office of Resilience is bringing forth this item because FRED seeks to add Forbright Bank as a PACE third-party administrator for commercial projects, thus requiring an indemnification agreement. This indemnification agreement acknowledges that Forbright Bank is a third-party administrator for FRED and that Forbright Bank agrees to indemnify and hold the County harmless as Forbright Bank assists FRED. Countywide (RM)

3. CONSENT AGENDA APPROVAL

EE. HOUSING FINANCE AUTHORITY

1. ~~Staff recommends motion to approve: a Third Amendment to Contract for Bond and Disclosure Counsel Services between the Housing Finance Authority of Palm Beach County, Florida (HFA) and Greenberg Traurig, P.A. (R2012-0678) and Bryant Miller Olive P.A. (R2012-0679), respectively, to increase the fees to said firms for certain matters. **SUMMARY:** On May 15, 2012 (Agenda Item 3D-3), the Board of County Commissioners (BCC) approved contracts between the HFA and each of the two (2) above named law firms. The contract was for an initial term of three (3) years and allowed for automatic one (1) year renewals thereafter unless one of the parties wished to terminate. Staff supports the amendment and future amendment requests will require a Request for Proposal (RFP). The legal services provided by these firms include advice on all actions necessary for the HFA's issuance of bonds, the preparation of bond documents and bond counsel opinions, the review and comment on all documents prepared by others in connection with bond issuances, and the preparation of the bond offering documents and opinions thereon as disclosure counsel. On July 11, 2017 (Agenda Item 3I-2), the BCC approved a First Amendment to Contract for Bond and Disclosure Counsel Services (Contract) with each of the two (2) above named law firms and on September 17, 2022 (Agenda Item 3I-2), the BCC approved a Second Amendment with each. On October 13, 2023, the HFA Board approved Resolution No. 2023-10 authorizing Third Amendments to the Contracts with Greenberg Traurig P.A. and Bryant Miller Olive P.A., subject to BCC approval. Approval by the BCC of both Third Amendments is requested pursuant to Section 2-189 of the Housing Finance Authority of Palm Beach County Ordinance which requires that all contracts for the purchase of goods and services in excess of \$10,000 be approved by the BCC. Countywide (HJF)~~

3. CONSENT AGENDA APPROVAL

FF. CAREERSOURCE

- 1. Staff recommends motion to approve: the appointment of Kris Hopkins to the CareerSource Palm Beach County, Inc. Board of Directors (Board) for the seat and term indicated below.

Appointment	Seat No.	Term	Area of Representation	Nominated By
Kris Hopkins	23	12/05/23- 12/04/31	Labor Organization	Seafarers International Union of North America, AFL-CIO

**SUMMARY:** The Board is to develop a more efficient system to prepare Floridians for high skill and high wage jobs, and to oversee Welfare Reform, School- to- Work, and Adult/Literacy educational training. On October 5, 2021, the Board of County Commissioners (BCC) approved the Interlocal Agreement Palm Beach Workforce Development Consortium, which replaced Interlocal Agreement R2007-1220; First Amendment to the Interlocal Agreement R2007-1446; Amendment No. 2 to the Interlocal Agreement R2008-1268; and Third Amendment to the Interlocal Agreement R2014-1650. The Agreement states the BCC will appoint private sector board members to assure a minimum 51% private sector majority. The federal Workforce Innovation and Opportunity Act requests that an emphasis be placed on Chief Executive Officers or highest level of management positions for both community and business sector appointments. Kris Hopkins is the Assistant Vice President, Seafarers International Union of North America, AFL-CIO. The CareerSource Palm Beach County, Inc. Board of Directors is comprised of a minimum of 19 members with representation established in Attachment 4. The Board has a maximum of 33 seats, 24 currently filled and a diversity count of Caucasian: 18 (75%), African-American: 3 (13%) and Hispanic: 3 (13%). The gender ratio (female:male) is: 9:15. The nominee is Caucasian male. Staff is addressing the need to increase diversity within our boards and will continue to encourage this to expand this Board’s diversity. Countywide (HH)

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**DECEMBER 5, 2023**

**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A)** Proclamation honoring Blake Wyatt Buchbinder. (District 7)
- B)** Proclamation recognizing the 60<sup>th</sup> Anniversary of the American Hungarian Club of the Palm Beaches. (District 3)
- C)** Recognition of Jamar “Hubba Bubba” Battle for displaying tremendous resilience and bringing joy to Palm Beach County residents and visitors. (District 7)
- D)** Certificate of Recognition present to Pastor Pierre Gregoire Saint-Louis. (District 7)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to:

**A) approve** a Second Amendment to Airport On-Demand Ground Transportation Services Agreement (Agreement) with 4R Services, (4R Services) at the Palm Beach International Airport (PBI) (R-2021-0416), extending the Agreement by six additional months to June 30, 2024, increasing per trip fees to \$3.50 per trip for on-demand ground transportation services, providing for the payment of staffing services and reimbursable expenses in an amount not-to-exceed \$108,277.27, and approving an increase to ground transportation rates; and

**B) approve** issuance of a Request for Proposals (RFP) for one concession agreement for on-demand taxicab services for PBI.

**SUMMARY:** The Agreement provides for on-demand taxi and luxury sedan/SUV service at PBI. The Agreement was assigned by WHC WPB, LLC, to Metro Taxi of Florida, LLC (Metro) effective as of June 29, 2021 (R2022-0111), and Metro simultaneously reassigned the Agreement to 4R Services, an affiliate of Metro. The Agreement expires on December 31, 2023, with no renewal options. Approval of the Amendment will extend the Agreement to June 30, 2024, which will provide additional time for the issuance of a RFP for a concession agreement for the provision of on-demand taxicab services. 4R Services currently pays the County \$2.50 for each passenger trip from PBI under the Agreement. The Amendment increases the per trip fee to \$3.50 per trip effective January 1, 2024. The Amendment also approves increases to ground transportation rates, which are consistent with rates charged at other Florida airports. The Department of Airports (Department) is recommending the issuance of a RFP for a single on-demand taxicab services concession agreement due to reduced demand for taxicab services. The RFP will also allow proposers to propose luxury sedan services on an on-demand basis. Countywide (AH)



5. REGULAR AGENDA

A. AIRPORTS (cont'd.)

2. Staff recommends motion to approve:

- A) The General Consultant Agreement with EXP U.S. Services, Inc. (EXP) for a term of two (2) years with three (3) one (1) year renewal options in the amount of \$1,308,859.55 for the performance of Airport Facilities and Systems Consulting Services related to the Palm Beach County Airports' Capital Improvement Program; and
- B) A Budget Transfer in the amount of \$150,000 in the Airport's Improvement and Development Fund.

**SUMMARY:** In order to carry out the Airports' Capital Improvement Program, the Department of Airports requires consultant services related to the various facilities and systems at the County's airports. In accordance with Section 287.055 Florida Statutes and PPM CW-O-048, EXP was competitively selected to provide these services. The initial agreement of a potential multi-year contract in the amount of \$1,308,859.55 will provide the Department of Airports with the necessary professional services to implement the Task I Palm Beach International Airport (PBI) General Aviation (GA) Federal Inspection Services (FIS) Facility Design Services and Task III Department of Airports (DOA) Miscellaneous Services for Projects in the Program Contract. Work to be completed under these Task III Services will be issued pursuant to PPM CW-F-050, by way of a separate proposal or task authorization. EXP is a Chicago, Illinois-based firm; however, all of the work to be completed in this agreement will be managed through their office in Fort Lauderdale. A Disadvantaged Business (DBE) goal of 20.9% was set for this contract. EXP has committed to 24% DBE participation for this contract. The initial tasks to be awarded under this agreement include a 21.24% DBE participation. Pursuant to changes to Chapter 332, Florida Statutes, effective July 1, 2023, a governing body of a medium hub commercial service airport may not approve purchases of contractual services in excess of \$1,000,000 on a consent agenda. This agreement exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

A. AIRPORTS (cont'd.)

3. Staff recommends motion to adopt: a Resolution amending Resolution No. 2016-0758; providing for an increase to the transportation network company (TNCs) per trip fee at the Palm Beach International Airport (PBI); providing for severability and providing for an effective date. **SUMMARY:** This Resolution increases the per trip fee for TNCs picking up at PBI from \$2.50 per trip to \$3.50 per trip effective January 1, 2024. The increased fee is consistent with per trip fees charged by other Florida airports. The majority of the ground transportation trips from PBI are performed by TNCs. In fiscal year 2023, TNCs conducted more than 975,000 total trips (pick up and drop off) at PBI. TNCs do not pay a per trip fee for dropping off customers at PBI. The County incurs significant costs to manage traffic and ground transportation operations at PBI and to maintain and repair PBI's facilities, including roadways, bridges, and parking/staging areas. Although costs continue to escalate, the per trip fee has not been adjusted since it was established in 2016. Countywide (AH)

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff requests Board direction: Regarding the future use of a portion of the County-owned 20 Mile Bend property for an Off-Highway Vehicle Park (“OHV Park”), a Racetrack Park or a combination thereof. **SUMMARY:** The undeveloped County-owned real estate holding commonly referred to as the 20 Mile Bend Property (“Property”) is the aggregation of seven (7) individual parcel control numbers (PCNs) totaling approximately 128-acres. The Property is generally located at the southeast quadrant of the intersection of State Road 80 and County Road 880. In 2013, the Board of County Commissioners (“Board”) authorized County staff to prepare a needs analysis and feasibility study for the development of an OHV Park at the Property. The OHV Park feasibility study was completed in 2015 and updated in 2021. The same confirmed the need for an OHV Park in the area and received support from multiple stakeholders. In June 2021, staff submitted the updated feasibility report to the Board and received direction to issue a Request for Proposals (RFP) for the development and operation of an OHV Park at the Property. A copy of the associated workshop item is included as Attachment 2. The RFP was advertised in June 2022 with a closing date of November 21, 2022. There were no respondents to the RFP. In June 2023, the Board directed staff to issue a Request for Information (RFI) to explore the possibility of siting a Racetrack Park on the Property. An RFI is a non-binding and non-competitive process used to obtain comments, feedback, information or reactions from potential vendors prior to the County issuing a solicitation. The RFI was published on July 5, 2023 with a closing date (as extended) of October 20, 2023. A total of nine (9) responses to the RFI were received. See Attachment 3. Seven (7) of the responses were provided by users of racetrack facilities, one response came from a national drag racing association and the remaining response was a business plan to develop the Property. Concurrently with advertisement of the RFI, staff commissioned a limited development review analysis (Due Diligence Report, Attachment 4) to explore the regulatory and physical constraints, if any, that siting of the Racetrack Park at the Property would entail. The Due Diligence Report identified no regulatory fatal flaws to the siting of the Racetrack on the Property, but led to identifying the need to conduct further investigation and assessment to ensure project viability in response to a specific plan of site development. Staff requires Board direction as to which of the two projects, if either one, or combination thereof, is to be pursued for development of the Property: the OHV Park or the Racetrack Park. Staff notes that planning efforts for the OHV Park commenced in 2013 and, as a result, a good foundation already exists that would allow staff to promptly proceed with re-issuance of an RFP to select a developer. Comparatively, the Racetrack Park is a fairly new initiative which, upon receiving Board direction, would require staff to initiate preparation of the associated RFP tailored to this specific program and to commission the additional professional studies identified in the Due Diligence Report to fully assess the site development viability. **(FDO Admin)**  
District 6 (HJF)

5. REGULAR AGENDA

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

2. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of a 1.10 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Alicia Silvers, Richard Silvers and Debra Macaulay f/k/a Debra Grimaldi, for \$17,050 plus closing, title insurance and recording costs estimated to be \$545;
- B) a Memorandum of Agreement with Alicia Silvers, Richard Silvers and Debra Macaulay f/k/a Debra Grimaldi, to be recorded in the public records to provide notice of this Agreement;
- C) an Agreement for Purchase and Sale of a 2.90 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Dana Trias-Harrison, for \$44,950 plus closing, title insurance and recording costs estimated to be \$895; and
- D) a Memorandum of Agreement with Dana Trias-Harrison, to be recorded in the public records to provide notice of this Agreement.

5. REGULAR AGENDA

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

2. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcel owned by Alicia Silvers, Richard Silvers and Debra Macaulay f/k/a Debra Grimaldi (Silvers Parcel) and the parcel owned by Dana Trias-Harrison (Trias-Harrison Parcel), are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offer. Both Agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premium, closing and recording costs estimated to be \$545 for the Silvers Parcel and \$895 for the Trias-Harrison Parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for the parcels due to the remote location. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. **These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). (Property & Real Estate Management) District 1 (HJF)**

5. REGULAR AGENDA

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

3. Staff requests Board direction: Regarding the implementation of the Canyon's District Park project. **SUMMARY:** Development of the Canyon's District Park ("Park") in western Boynton Beach was first included in the County's Capital Improvement Program (CIP) in FY2015. As project implementation progressed from planning to construction, the associated funding appropriation increased from \$2,550,000 (FY2015 – FY2019 for design and infrastructure to support phased construction) to \$12,000,000 (FY2021 for construction). In January 2022, following approval by the Board of County Commissioners ("Board") of the re-estimated Infrastructure Surtax (IST) Project Plan the approved project budget further increased to \$24,983,740. See Attachment 1. On August 15, 2017, the Board approved a contract (R2017-1042) with Architecture Green, LLC (AGL) for the architectural/engineering services required to design the Park. On June 18, 2019, the Board approved a construction manager at risk contract (R2019-0849) with Kaufman Lynn Construction, Inc. (KLC) for construction of the Park. The project is being implemented in two phases. On December 8, 2020, the Board approved Amendment No. 1 (R2020-1812) to the contract with KLC authorizing construction of Phase 1 of the project. On May 4, 2021, the Board approved Amendment No. 2 (R2021-0581) to the contract with KLC authorizing construction of Phase 1A of the project. Phase 1/1A included construction of three (3) soccer/multipurpose fields, restrooms, a concession facility, two (2) retention/recreational lakes, a fitness trail, parking areas, a maintenance facility, and all associated site work and infrastructure. Phase 1/1A was completed and placed in service in September 2022. Concurrently with construction of Phase 1/1A, staff, AGL and KLC continued to work on the development of the full design and pre-construction services for Phase 2 of the Park, which includes an all-abilities playground, four (4) softball/baseball multipurpose fields, two (2) volleyball courts, pavilions, restrooms, parking areas and associated site work and infrastructure. Construction drawings for Phase 2 are at 95% completion and under County review. Attachment 3 includes the site plan for Phase 2. On November 28, 2023, the Board held a workshop meeting which included a presentation on the County's approved 5-year CIP. One of the projects discussed during said meeting was the Park. In specific, staff advised the Board that a project budget shortfall for the Park was expected due to the significant cost increases experienced of late for all capital projects; construction cost of Phase 1/1A of the Park being a prime example of such increases. Attachment 4 includes a summary of all funding and expenditures to date for the Park. The funding that remains allocated for the construction of the Park is approximately \$13.8M.

5. REGULAR AGENDA

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

3. **SUMMARY (cont'd.):** The estimated cost to construct Phase 2 is \$27M, which does not include associated soft costs (e.g., staff costs, permit fees). During the aforementioned workshop meeting, and to inform Board direction to staff as to the continued implementation of the approved projects (the Park included), the Board directed staff to return with separate agenda items providing an overview of the completed designs being recommended for implementation. Prior to the aforementioned workshop meeting, staff and its consultant were working towards submission of the permit application for construction of Phase 2 of the Park before year's end as the 2023 Florida Building Code (8<sup>th</sup> Edition) goes into effect on December 31, 2023. A submission after December 31, 2023 would require the construction drawings to be updated to meet the new code. Consultant fees to complete said work are estimated at approximately \$240,000 and the revisions are expected to take approximately four months after work is authorized. Additional staff time would be incurred as well in reviewing the revised drawings for acceptable completion. Given the cost and time impacts that submitting the permit application after the 2023 Florida Building Code goes into effect would carry, staff requires direction whether to proceed with project implementation or suspend same until funding availability has been identified. (Capital Improvements Division) District 5 (MWJ)

5. REGULAR AGENDA

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

4. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of a 1.10 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Vincenza Sindle a/k/a Vincenzina Sindle, for \$17,050 plus closing, title insurance and recording costs estimated to be \$545;
- B) a Memorandum of Agreement with Vincenza Sindle a/k/a Vincenzina Sindle, to be recorded in the public records to provide notice of this Agreement;
- C) an Agreement for Purchase and Sale of a 1.10 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust, for \$17,050 plus closing, title insurance and recording costs estimated to be \$545; and
- D) a Memorandum of Agreement with Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust, to be recorded in the public records to provide notice of this Agreement.



5. REGULAR AGENDA

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

4. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcel owned by Vincenza Sindle a/k/a Vincenzina Sindle (Sindle Parcel) and the parcel owned by Linda E. Harrington, as personal representative for George T. Harrington Estate, and Joseph A. Pash, as Trustee for Margaret A. Pash Trust (Pash Parcel), are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offer. Both Agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premium, closing and recording costs estimated to be \$545 for the Sindle Parcel and \$545 for the Pash Parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for the parcels due to the remote location. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). **(Property & Real Estate Management) District 1 (HJF)**

5. REGULAR AGENDA

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

5. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of ten (10) parcels of vacant land located north of Indiantown Road and east of Bee Line Highway (Beaton Parcels) with an aggregated acreage of 37.5362 from Cory James Beaton, a/k/a Cory Beaton, for \$1,303,537 plus closing, title insurance, documentary stamps and recording costs estimated to be \$15,675; and
- B) a Memorandum of Agreement with Cory James Beaton, a/k/a Cory Beaton, to be recorded in the public records to provide notice of this Agreement.

**SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a Fiscal Strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The ten (10) parcels owned by Cory Beaton are located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). Seven (7) parcels are interior lots; the remaining three (3) parcels are road frontage parcels located on Beeline Highway. The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels; and a \$40,922 and \$35,000 per acre value for road frontage Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels and a reasonable aggregate value of \$40,346 per acre for road frontage Palm Beach Heights parcels, which were the basis of the County's offer to acquire the Beaton Parcels. Mr. Beaton sent a counteroffer to County staff confirming his willingness to sell to the County all of his real estate holdings in Palm Beach Heights conditioned on: 1) being compensated at 10% over appraised value for the road frontage parcels, and 2) having the County pay the associated documentary stamp costs for the purchase and sale of the Beaton Parcels. The counteroffer further stated that he was willing to sell the interior parcels at appraised value. There are a total of thirteen (13) Palm Beach Heights parcels that front Beeline Highway.

5. REGULAR AGENDA

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

5. **SUMMARY (continued):** Acquiring the three (3) road frontage parcels owned by Mr. Beaton will give the County control over ten (10) of said thirteen (13) parcels; thereby significantly advancing the County's goal of protecting these environmentally sensitive lands. Staff deems this aggregate acquisition to be an **exceptional opportunity** that, coupled with the acquisition of seven (7) additional interior parcels in a single transaction, warrants a recommendation to acquire the road frontage parcels at 10% over appraised value. Recognizing this acquisition as an **exceptional opportunity**, Staff has negotiated a provision in the Agreement which precludes Mr. Beaton from withdrawing his offer to sell his parcels for a period of thirty (30) days following execution of the Agreement by Mr. Beaton. This provision is not contained in prior agreements for purchase and sale approved by the Board for acquisition of properties in Palm Beach Heights. Mr. Beaton has represented he has certified surveys for two of the interior lots (Beaton Parcels 4 and 5 as depicted on the attached Location Map) which, to date, have not been provided for review to the County. The purchase price in the Agreement is calculated based on the Mr. Beaton's representation of acreage for Beaton Parcels 4 and 5. The Agreement provides that the purchase price shall be adjusted in accordance with the actual acreage reflected in the surveys once they are provided to Staff for review and acceptance or, if Mr. Beaton is unable to provide said surveys the purchase price shall be based upon the acreage calculation provided by the Palm Beach County Property Appraiser's website. The Agreement allows for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premium, closing, documentary stamps and recording costs estimated to be \$15,675 for the Beaton Parcels. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for the parcels due to the remote location. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Replacement Fund. **These are County ARPA Response Replacement funds that do not require a local match. These acquisitions must be approved by a supermajority vote (5 Commissioners). (Property & Real Estate Management) District 1 (HJF)**

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Village of Valor, by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") in the principal amount of \$14,250,000 (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 54 units to be known as Village of Valor (the "Project"). The Project will be located on 2nd Ave North, located on the north side of the street, one lot east of the intersection of 2nd Ave North and Engle Road in the Village of Palm Springs, Florida. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose average household incomes do not exceed 60% of area median income (\$58,440 for a family of four for 2023). The Project will have a minimum thirty (30) year affordability period. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is Village of Valor, Ltd., a Florida limited partnership, or an affiliate thereof (the "Borrower"), and the developer is VOV Development, LLC. The total project cost is \$23,857,655. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive, P.A. is Bond Counsel to the Authority with respect to the Bonds. Churchill Stateside Group will be the underwriter or placement agent for the Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 3 (HJF)

5. REGULAR AGENDA

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

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Calusa Pointe II, by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") in the principal amount of \$27,000,000 (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Authority to finance a portion of the costs of acquiring, constructing and equipping a multifamily rental housing facility to contain approximately 168 units to be known as Calusa Pointe II (the "Project"). The Project will be located at the southeast of the intersection of SR 80 and CR827A, Belle Glade, Florida 33430. On July 12, 2022, the Board of County Commissioners approved \$2,500,000 of ARPA Response Projects funding for this Project. The Authority will require that at least 40% of these units will be rented to qualified persons and families whose average household incomes do not exceed 60% of area median income (\$58,440 for a family of four for 2023). The Borrower (as defined below) has agreed that the Project will have a fifty (50) year affordability period. In addition, the Project is expected to receive low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") that will require that 100% of the units will be rented to qualified persons and families, the average household incomes of which will not exceed 60% of area median income. The Borrower is SP Field LLC, a Florida limited liability company, or an affiliate thereof (the "Borrower"), and the developer is Southport Development, Inc. The total project cost is \$51,618,411. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig, is Bond Counsel to the Authority with respect to the Bonds. RBC Capital Markets, LLC will be the underwriter or placement agent for the Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows: The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three (3) years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 6. (HJF)

5. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING

1. Staff seeking direction: regarding the county’s position in support or opposition to an annexation by the Village of Wellington (Village), including the annexation of certain county owned parcels into the Village. **SUMMARY:** Palm Beach County has received a filing for annexation from the Village (November 14<sup>th</sup>.) The Village seeks to involuntarily annex approximately ~~157.9~~ 257.9 acres of land at the intersection of Southern Boulevard and Seminole Pratt Whitney Road. The Village has scheduled their first hearing for December 5<sup>th</sup>. The filing includes a complete feasibility report as required by the Florida Statutes. It is uncertain whether the proposed annexation area meets the requirement for compactness and contiguity with the rest of the Village, and whether the proposed annexation area is developed for urban purposes. This general area has previously been the discussion of annexation by the Village. Specifically, the Arden Development, approved by Ordinance 2004-66, modified the future land use designation from Rural Residential, 1 unit per 10 acres (RR-10), to the LR-2 future land use designation on December 13, 2004. This amendment was adopted following the removal of the site from the Central Western Communities Sector Plan boundaries, and in order to retain the site within unincorporated County since the property owners had been discussing annexation into the Village. The associated text created the Glades Area Protection Overlay and Limited Urban Service Area for the subject site and lands on the east and west side of the L-8 to create a barrier to limit development from encroaching into the agricultural production lands further west. This activity resulted in an amendment to the Palm Beach County Charter, which now requires an affirmative vote by at least five (5) County Commissioners for voluntary annexations. The proposed annexation requires a referendum by the area residents, and is therefore not subject to the provisions in the Charter. Also beginning in 2004, Wellington has completed several voluntary annexations south of SR80 (Southern Blvd) which are contiguous with their municipal boundaries. These Wellington annexations add up to 8,900 acres, of which 8,262 remain undeveloped. Additionally, two municipal incorporations took place. The following table reflects Wellington annexations as well as the incorporation of City of Westlake, and Town of Loxahatchee Groves. District 6 (DL)

Year	Municipality	Acres	Method
2004	STA1 & East & Section 24 (Wellington)	6,584.00	Voluntary
2004	STA1 & East & Section 24 (3) (Wellington)	1,478.00	Voluntary
2004	Rustic Ranches (Wellington)	638.90	Voluntary
2004	Mickelson Property (Wellington)	80.00	Voluntary
2005	McCarty Annexation (Wellington)	120.00	Voluntary
2006	Loxahatchee Groves (incorporation)	8,148.07	Referendum
2016	Westlake (incorporation)	4,047.67	Referendum

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6. BOARD APPOINTMENTS

A. HEALTH DEPARTMENT

- 1. Staff recommends motion to approve: the appointment of one (1) member to the Child Care Advisory Council to fill the position listed below for Seat #6.

<u>NOMINEE:</u>	<u>REQUIREMENT:</u>	<u>TERM</u>	<u>NOMINATED BY:</u>
Christy O'Hearn	Parent Representative of a child attending a child care facility	12/5/2023 To 11/30/2026	Commissioner Weiss

OR

Andrea Keiser	Parent Representative of a child attending a child care facility	12/5/2023 To 11/30/2026	Commissioner Baxter
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**SUMMARY:** The Child Care Advisory Council (Council) shall advise the Board of County Commissioners (BCC) and make recommendations regarding issuance and revocation of licenses for child care facilities, and rules and regulations necessary to protect the health and safety of persons in child care facilities, child care homes and family day care facilities. The Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. Membership consists of: two (2) members who represent and operate private child care facilities in Palm Beach County, one (1) of whom operates a family day care home or large family child care home; one (1) member who represents and operates a parochial child care facility in Palm Beach County; one (1) consumer protection enforcement official; one (1) member with fire protection, engineering or technology expertise; one (1) member who, at the time of appointment, is the parent of a child attending a child care facility in Palm Beach County; and one (1) representative from the Florida Department of Children and Families. The applicants nominated for appointment to Seat #6, ~~Christy O'Hearn~~, are parents of children attending child care facilities. Christy O'Hearn is a Caucasian female. Marie Keiser is an Asian-American female. The diversity count for the six (6) seats currently filled is Caucasian: 3 (50.0%), African American: 2 (33.3%), and Hispanic American: 1 (16.7%). The gender ratio (female: male) is 6:0. ~~The nominee for Seat 6 is a Caucasian female.~~ Staff continues to address the need for increased diversity within our boards and will continue to encourage expansion of this Council's diversity. Countywide (HH).

B. COMMISSION DISTRICT APPOINTMENTS

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7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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

B. COUNTY ATTORNEY



**DECEMBER 5, 2023**

**8. COMMISSIONER COMMENTS**

**District 1 – COMMISSIONER MARIA G. MARINO**

**District 2 – COMMISSIONER GREGG K. WEISS**

**District 3 – COMMISSIONER MICHAEL A. BARNETT**

**District 4 – COMMISSIONER MARCI WOODWARD**

**District 5 - COMMISSIONER MARIA SACHS**

**District 6 - COMMISSIONER SARA BAXTER**

**District 7 – COMMISSIONER MACK BERNARD**

**DECEMBER 5, 2023**

**9. MATTERS BY THE PUBLIC – 2:00 P.M.**

\* \* \* \* \*

**DECEMBER 5, 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."