

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 14, 2024

PAGE ITEM

38 3H7 * **DELETED** – staff pulled for further review (FDO)

60 5B1 * **DELETED** – staff pulled for further review (CLERK)

63 5E2 * **ADD-ON / (FDO) / Staff recommends motion to:**

64 online

A) adopt a Resolution authorizing the exchange of 1.649 acres of County-owned land in Gardens North County District Park (District Park) in Palm Beach Gardens for 1.722 acres of land owned by Florida Department of Transportation (FDOT), without charge and without reservation of phosphate, mineral, metals, and petroleum rights, pursuant to Section 125.38, Florida Statutes;

B) accept a Quit Claim Deed from FDOT to Palm Beach County (County) conveying 1.722 acres of land, without charge and without reservation of phosphate, mineral, metals, and petroleum rights;

C) approve a County Deed to FDOT, conveying 1.649-acres of land, without charge and without reservation of phosphate, mineral, metals and petroleum rights;

D) approve a Second Amendment to Lease Agreement with the City of Palm Beach Gardens (City) modifying the legal description of the District Park to be consistent with the land exchange;

E) approve an Amendment and Partial Release of Conservation Easement of 1.649 acre strip of land along the eastern portion of the Conservation Easement area modifying the legal description of the District Park to be consistent with the land exchange;

F) approve a Temporary Construction Easement in favor of FDOT for the interchange lane at Military Trail South and Interstate 95; and

G) approve a Subordination of Easement Interest to FDOT subordinating a portion of the easement to grant all the rights necessary to certify the right of way for the FDOT construction project.

Summary: FDOT desires to expand the deceleration lane off of Southbound I-95 at the Military Trail South exit. The project requires a strip of land along the eastern portion of the District Park to complete the expansion. Although the District Park property is owned by the County, it is the subject of a Lease Agreement (R2018-122) between the County and the City and a Conservation Easement (R2010-2141) in favor of the City. FDOT has requested 1.649 acres of the District Park property in exchange for 1.722 acres of FDOT property which would be incorporated into the District Park. The City approved the land swap between the County and FDOT by passing City Resolution 1, 2024. Amendment No. 2 to the Lease Agreement and the Amendment and Partial Release of Conservation Easement between the City and the County modify the legal description in both documents to release the 1.649-acre County-owned portion and add the 1.722-acre FDOT-owned portion. The District Park property is also subject to a Grant of Easements (R2000-0560) with the property owner to the north, which grant mutual rights to install utilities within the easement areas as defined in the Grant of Easements.

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

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<u>PAGE</u>	<u>ITEM</u>	
63 <i>online</i>	5E2	<u>A Subordination of Easement Interest is required for FDOT to move forward with its expansion. In addition, to begin construction, FDOT requires a Temporary Construction Easement (TCE) to tie in (sloping and grading) to the remaining District Park Property. The TCE terminates upon completion of the project or December 31, 2034, whichever is earlier and the Subordination of Easement allows the County to locate any future facilities onto public right-of-way or to construct facilities on the subordinated property subject to FDOT's review and approval. The Quit Claim Deed, the County Deed, the Amendment and Partial Release of Conservation Easement and Subordination of Easement Interest will be recorded to provide public notice of the land exchange. FDOT will execute the Subordination of Easement prior to finalizing the land exchange. Staff will complete its due diligence review of the property prior to finalizing the land exchange. There are no costs associated with the approval of this agenda item. (Property & Real Estate Management) District 1 (HJF)</u>

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**

MAY 14, 2024

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 11 - 57)**

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

- 5. REGULAR AGENDA (Pages 59 - 64)**

- 6. BOARD APPOINTMENTS (Pages 65 - 66)**

- 7. STAFF COMMENTS (Page 67)**

- 8. BCC COMMENTS (Page 68)**

- 9. ADJOURNMENT (Page 69)**

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3B-1 Warrant list

3B-2 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

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3C-1 Change Order No. 9 to the contract with Community Asphalt Corporation for the Australian Avenue and Palm Beach Lakes Boulevard Intersection Improvements.

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3C-2 Supplement No. 1 to Consultant Service Authorization No. 7 under the Annual Construction Engineering Inspection Services with Mehta and Associates, Inc. services for Seminole Pratt Whitney Road from Orange Boulevard to Northlake Boulevard.

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3C-3 Change Order No. 1 to the contract with Seacoast Inc. for a time extension of 314 days to the Donald Ross Road Bascule Bridge.

3C-4 Amendment to the Interlocal Agreement with the City of West Palm Beach for joint participation and project funding for construction of utility adjustments for Australian Avenue and Palm Beach Lakes Boulevard.

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3C-5 Supplement No. 5 with HSQ Group, LLC for the Australian Avenue Drainage Improvements from Banyan Boulevard to 45th Street project.

3C-6 Contract with Kimley-Horn and Associates, Inc. for Flavor Pict Road from Lyons Road to Hagen Ranch Road.

D. COUNTY ATTORNEY

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3D-1 Settlement Agreement, inclusive of attorney's fees and costs in the personal injury action Case No.: 2020-CA-000581-XXXX-MB.

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3E-2 Agency for Health Care Administration Health Care Licensing application to renew the Department of Veteran And Senior Services Mid-County Adult Day Care Center license.

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3E-3 Retroactive Sub-recipient Agreements for Ryan White HIV/AIDS Program Part A and Minority AIDS Initiative for Core Medical and Support Services with the listed agencies.

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3E-4 Appointment of two new members to the Homeless Advisory Board, effective May 14, 2024.

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3E-5 Appointment of one new member to the Community Action Advisory Board effective May 14, 2024.

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3E-6 Interlocal Agreement with The School Board of Palm Beach County to provide free vocational and skill-set building services.

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3E-7 Partial funding Notice of Award from the U.S Department of Health and Human Services, Health Resources and Services Administration, for the Ryan White HIV/AIDS Program.

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3E-8 Retroactive Sub-recipient Agreement with Southeast Florida Behavioral Health Network, Inc., to provide services under the Department of Justice Comprehensive Opioid, Stimulants, Substance Use Program demonstration program.

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3E-9 Retroactive Memorandum of Agreement with The Urban Institute for training and technical assistance.

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6. COMMUNITY SERVICES

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3E-10 Retroactive Agreement for Provision of Financial Assistance with Southeast Florida Behavioral Health Network, Inc.

F. AIRPORTS

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3F-1 Approve Change Order No. 5 contract with Alen Construction Group, Inc., and a time extension regarding the short-term and long-term garages at the Palm Beach International Airport.

3F-2 Change Order No. 2 to Amendment No. 10 to the Construction Manager at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for Airport Improvements for the Palm Beach County.

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3F-3 Fourteenth Amendment to Lease and Concession Agreement at the Palm Beach International Airport with Host International, Inc., a Delaware corporation extending the term of the Agreement.

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3F-4 Twelfth Amendment to Retail Concession Agreement at the Palm Beach International Airport with Paradies-Palm Beach, LLC, a Florida limited liability company, extending the term of the Agreement.

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3F-5 Amendment No. 3 to the General Consulting Agreement with Ricondo & Associates, Inc. for the performance of professional airport planning consulting services related to the Palm Beach County Airports Capital Improvement Program.

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- 3G-1 Annual Report for the Fiscal Year ending September 30, 2023 from the Town of Jupiter Community Redevelopment Agency.
- 3G-2 Annual Report and Audited Financial Statement for the Fiscal Year ending September 30, 2023 from the Westgate/Belvedere Homes Community Redevelopment Agency.
- 3G-3 Annual Report for the Fiscal Year ending September 30, 2023 from the West Palm Beach Community Redevelopment Agency.
- 3G-4 Annual Report for the Fiscal Year ending September 30, 2023 from the Riviera Beach Community Redevelopment Agency.
- 3G-5 Annual Report for the Fiscal Year ending September 30, 2023 from the Village of Palm Springs Community Redevelopment Agency.
- 3G-6 Annual Report and Financial Statement for the Fiscal Year ending September 30, 2023 from the Boca Raton Community Redevelopment Agency.

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- 3G-7 Annual Report and Financial Statements for the Fiscal Year ending September 30, 2023 from the Boynton Beach Community Redevelopment Agency.
- 3G-8 A negotiated settlement offer for the full satisfaction of a code enforcement lien entered against Soraida G. Ortiz on May 2, 2018.

H. FACILITIES DEVELOPMENT & OPERATIONS

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- 3H-1 The First Amendment to Concessionaire Lease Agreement with GC Ventures FL, LLC, exercising the first of two one (1) year renewal options.
- 3H-2 First Amendment to the Amended and Restated Agreement with Wellington Regional Medical Center, LLC., to extend the term of the Agreement for interoperable communications through the countywide emergency medical services.

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- 3H-3 First Amendment to the Amended and Restated Agreement with Good Samaritan Medical Center Inc., to extend the term of the Agreement for interoperable communications through the countywide emergency medical services and common talk groups of the County's Public Safety Radio System.
- 3H-4 A Resolution amending resolutions to update the list of County facilities determined to be critical to public safety or security and critical to criminal justice information security.

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H. FACILITIES DEVELOPMENT & OPERATIONS

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3H-5 An Interlocal Agreement with the Village of Wellington to lease and maintain a fuel control reader.

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3H-6 An annual contract for low voltage services on an as-needed basis.

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3H-7 Two (2) zero-dollar value change orders and days regarding a contract with Lebolo Construction Management, Inc. for the Glades Pioneer Park Orange Bowl Playground project.

K. WATER UTILITIES

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3K-1 Amendment No. 1 to the 2022 Pipeline Continuing Construction Contracts.

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3K-2 Amendment No. 1 to Agreement between Florida Department of Environmental Protection and Palm Beach County

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3K-3 A Standard Grant Agreement with the State of Florida Department of Environmental Protection for the Palm Beach County Green Cay Phase 2 Project.

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3K-4 A Drinking Water State Revolving Fund Planning and Design Loan Agreement for Planning and Design for the upgrades to Water Treatment Plant Nos. 2, 3, 8 & 9 to remove perfluoroalkyl and polyfluoroalkyl substance (PFAS).

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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3L-1 Appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board for a three-year term beginning May 14, 2024 to May 14, 2027.

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3L-2 Amendment No. 1 to State of Florida Department of Environmental Protection for design, permitting, construction, and monitoring of the South Lake Worth Inlet Management Plan Implementation Project .

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L. ENVIRONMENTAL RESOURCES MANAGEMENT

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3L-3 A Resolution approving a standard form Interlocal Agreement to provide funding to municipalities for the removal and disposal of floating structures in accordance with Ordinance No. 2021-017.

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3L-4 Agreement No. LPA0721 with the State of Florida, Department of Environmental Protection, providing financial assistance for the Lake Worth Lagoon Initiative for four projects located in the Lake Worth Lagoon.

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3L-5 Amendment No. LP50202 with the State of Florida, Department of Environmental Protection providing for an additional funding for the Lake Worth Lagoon Initiative Project.

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3L-6 Amendment Number 1 to the contract for Consulting/Professional Services with the Florida Fish and Wildlife Conservation Commission to provide fisheries monitoring in the Lake Worth Lagoon.

M. PARKS & RECREATION

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3M-1 An executed Amphitheater Rental Agreement with the Genesis Marketing & Promotions, LLC for the Blackluxé Picnic Event at Sunset Cove Amphitheater.

3M-2 An executed Sound and Light Production Service Contractor Agreement with Sanderford Sound, Inc., for the Blackluxé Picnic Event at Sunset Cove Amphitheater.

3M-3 An executed Promoter Amphitheater Rental Agreement with DEUTERMANPRODUCTIONS.COM.LLC., for the Jupiter Seafood Festival at Seabreeze Amphitheater.

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3M-4 An executed Special Events Rental Agreement with CC Leisure LLC, for the Big Bounce America Event at John Prince Park.

3M-5 An executed agreement with Team Services Florida, LLC, to provide sports officiating services for Department operated youth basketball and youth volleyball programming at West Boynton Recreation Center.

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3M-6 A Second Amendment to the Recreation Facility Rental Agreement with the Young Men's Christian Association of the Palm Beaches, Inc. for the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex in John Prince Park.

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Q. CRIMINAL JUSTICE COMMISSION

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3Q-1 An Interlocal Agreement with the Public Defender’s Office of the Fifteenth Judicial Circuit to fund community-based social services as jail alternatives for pretrial inmates under the Criminal Justice Commission’s John D. and Catherine T. MacArthur Foundation’s Safety and Justice Challenge project.

X. PUBLIC SAFETY

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3X-1 Appointment of two (2) seats to the Consumer Affairs Hearing Board.

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3X-2 The executed subcontract with the Florida Council Against Sexual Violence to provide sexual assault services and add an addition of one (1) full-time Victim Advocate.

BB. YOUTH SERVICES

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3BB-1 A Contract for Provision of Services with Prime Time Palm Beach County, Inc. for connecting summer camps for low income children to expanded learning opportunities.

CC. TOURIST DEVELOPMENT COUNCIL

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3CC-1 Two (2) fully executed Palm Beach County FY2024, Category “G” Grant Agreements managed by the Palm Beach County Sports Commission, Inc., with Match Point, Inc. and East Coast Championships, LLC.

PUBLIC HEARINGS – 9:30 A.M.

A. FACILITIES DEVELOPMENT & OPERATIONS

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4A-1 Ordinance of the Board of County Commissioners repealing and replacing sections 2-51 through 2-58 of the Procurement/Purchasing Code.

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REGULAR AGENDA

A. AIRPORTS

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5A-1 The assignment of the Contract for the Operation and Maintenance of Baggage Handling Systems at the Palm Beach International Airport from John Bean Technologies Corporation to Oshkosh AeroTech, LLC, formerly known as JBT AeroTech Corporation.

B. CLERK & COMPTROLLER

Page 60

5B-1 The Annual Comprehensive Financial Report and Popular Annual Financial Report for Palm Beach County fiscal year ending September 30, 2023.

C. PALM TRAN

Page 61

5C-1 The Labor Management Agreement between Palm Tran, Inc. and the Palm Beach County Board of County Commissioners, as joint employer, and the Service Employees International Union, Florida Public Services Union, CtW, CLC representing 44 regular full-time, non-professional, supervisory employees of Palm Tran, Inc.

D. PLANNING ZONING AND BUILDING

Page 62

5D-1 Motion to approve on preliminary reading and advertise for public hearing on June 11, 2024 at 9:30 a.m. Repealing Ordinance 2020-028 and Adopting the Palm Beach County Amendments to the Florida Building Code.

E. FACILITIES DEVELOPMENT AND OPERATIONS

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5E-1 An Agreement for Purchase and Sale of a 8.53 acre parcel of vacant land located on Bee Line Highway north of Indiantown Road.

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5E-2 Exchange of vacant land and lease agreement with Palm Beach Gardens.

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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5F-1 FY 2025 Proposed Budget Presentations

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BOARD APPOINTMENTS (Page 65 - 66)

- A. Community Services appointment of two members to the Community Action Advisory Board.
- B. Commission District Appointments

STAFF COMMENTS (Page 67)

BCC COMMENTS (Page 68)

ADJOURNMENT (Page 69)

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Change Order No. 9 to the contract with Community Asphalt Corporation (CAC) dated February 6, 2018 (R2018-0139) (Contract) in the amount of \$933,867.11 and a time extension of 277 days for the Australian Avenue and Palm Beach Lakes Boulevard Intersection Improvements (Project). **SUMMARY:** Per PPM CW-F-050, the total of Change Order No. 9 exceeds the threshold of \$100,000 and allowable time extensions relating to staff approvals of change orders to contracts and requires approval by the Board of County Commissioners (BCC). Approval of this final change order, Change Order No. 9, will compensate CAC for costs associated with maintaining the Project while procuring a specialized de-watering permit from the South Florida Water Management District (SFWMD) due to an unforeseen groundwater contamination source discovered during construction; and for other unforeseen issues that developed in the field, as further described below. The Project was shut down for two years during the permit application process with the SFWMD at no fault of CAC. This shutdown caused CAC to incur additional costs for illegal dumping removal, asphalt repairs, mowing, traffic control device maintenance, and stormwater pollution prevention maintenance. Change Order No. 9 includes direct and indirect costs for differing site conditions, modification of underground drainage, conflicts with water main and force main, plan revisions, adjustment of water main and force main tie-in locations, removal of unsuitable material, and adjustments to valve boxes.

3. CONSENT AGENDA APPROVAL

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

1. **SUMMARY (cont'd.):** Additionally, Change Order No. 9 includes the restoration of Australian Avenue, which was damaged due to a City of West Palm Beach (City) underground water main break. Upon investigation, it was determined that CAC was not at fault for the break and the cause was beyond their control. The City will reimburse Palm Beach County (County) the amount of \$117,851.93 for the costs to repair the City’s facilities. In accordance with the General Provisions of the Contract, CAC requested an equitable adjustment of compensation and time on August 31, 2023, and certifies under oath and in writing that the request is made in good faith; that supportive data provided is accurate and complete; and that the amount accurately reflects the County’s responsibility. The Contract was approved on February 6, 2018 for the amount of \$2,457,741.50. The total Contract amount, including this Change Order and previous change orders, is \$3,812,962.27. Work under the Contract was completed on January 10, 2022. Due to multiple management changes at CAC, Change Order No. 9 is now being finalized. This agenda item is a companion to Agenda Item 3-C-4 of this May 14, 2024 BCC meeting, for an amendment to the Interlocal Agreement with the City for joint participation and project funding for construction of utility adjustments, as well as approval of a budget amendment for the Project.

Change Order No. 9 cost amounts as detailed in Exhibit A of Attachment 2 are as follows:

• Project Maintenance due to dewatering permit	\$121,908.51
• WPB Force Main Conflict (WPB Costs)	\$ 10,253.59
• WPB Force Main Conflict (PBC Costs)	\$ 13,038.43
• Emergency Water Main Break (WPB Costs)	\$100,599.25
• Emergency Water Main Break (PBC Costs)	\$108,243.42
• Plan Revision 1 Costs	\$ 62,212.35
• Existing Valve Box Replacements (WPB Costs)	\$ 6,999.09
• Existing Valve Box Replacements (PBC Costs)	\$ 6,444.25

Pursuant to Contract Section 8-7.3.2 “Contract Time Extension” and 4-3.2.1 “Allowable Costs for Extra Work” Time Related Direct and Indirect Costs (including Bond) for 147 Compensable Days:

Direct Cumulative Costs	\$304,029.86
• Labor \$244,934.40;	
• Materials \$27,784.46;	
• Equipment \$31,311.00	
Indirect Costs (\$1,310.80/day)	\$192,687.60
Bond Costs	<u>\$ 7,450.76</u>
TOTAL:	\$933,867.11

3. CONSENT AGENDA APPROVAL

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

1. **SUMMARY (cont'd.):** The contract was approved prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance at the time. The SBE participation goal for all contracts was 15%. CAC committed to 8.6% SBE participation. There is no SBE participation for this change order. CAC's cumulative SBE participation to date, including this change order, is .34%. CAC is a non-SBE, Palm Beach County-based company. They were unable to fulfill their SBE participation commitment because they had to utilize non-SBE subcontractors to complete the Change Order work, due to the absence of any available SBE companies that could perform the required specialized underground work. District 7 (YBH)

2. Staff recommends motion to approve: Supplement No. 1 (Supplement) to Consultant Service Authorization No. 7 (CSA) dated January 24, 2024, under the Annual Construction Engineering Inspection (CEI) Services Contract dated July 13, 2021 (R2021-0882) (Contract) with Mehta and Associates, Inc. (MAI) in the amount of \$1,496,533.50 for CEI services for Seminole Pratt Whitney Road from Orange Boulevard to Northlake Boulevard, Project numbers 1997511D and 1997512A3 (Project). **SUMMARY:** Approval of this Supplement will provide the CEI services necessary during the construction of the Project. On November 6, 2019 the Goal Setting Committee applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. MAI agreed to 20% SBE participation for the Contract. MAI agreed to 20.36% SBE participation for this Supplement. Their cumulative SBE participation to date for the Contract including this supplement is 14.92%. MAI has an office located in Palm Beach County (County). **This Project is included in the Five-Year Road Program.** District 6 (YBH)

3. CONSENT AGENDA APPROVAL

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

3. Staff recommends motion to approve: Change Order No. 1 to the contract with Seacoast Inc. (SCI) dated May 3, 2022 (R2022-0389) (Contract) for a time extension of 314 days to the Donald Ross Road Bascule Bridge (Project). **SUMMARY:** Per PPM CW-F-050, the time extension in Change Order No. 1 exceeds allowed staff approval and requires approval by the Board of County Commissioners (BCC). The original scope of this Project is for replacement of the hydraulic, electrical, and mechanical equipment within the existing bridge structure. The 314 day contract time extension is due to electrical control panel procurement delays. After consulting with Palm Beach County's (County) Bridge Section and in order to maintain continuity with all County draw bridges, it was determined that Alan Bradley control panels as specified in the construction plans, could not be substituted with items from another distributor. The start of construction was postponed until all materials were procured to avoid any disruptions to residents and motorists. Construction started on February 19, 2024. The Contract was approved on May 3, 2022, for the amount of \$5,719,660. The total Contract amount, including this Change Order is \$5,719,660. With the approval of this Change Order, the new revised completion date will be September 5, 2024. On August 30, 2021, the Office of Equal Business Opportunity (OEBO) granted a waiver of the Affirmative Procurement Initiative requirements because sufficient qualified Small Minority Women Business Enterprises (S/M/WBE) providing the goods or services required by the contract were unavailable in the County, despite every reasonable effort to locate them. District 1 (YBH)

4. Staff recommends motion to:

A) receive and file an Amendment to the Interlocal Agreement with the City of West Palm Beach (City) for joint participation and project funding for construction of utility adjustments dated April 10, 2018 (R2018-0367) for Australian Avenue and Palm Beach Lakes Boulevard (Project); and

B) approve a Budget Amendment of \$114,113 in the Road Impact Fee Fund – Zone 2 to recognize reimbursement funding from the City and appropriate it to the Project.

SUMMARY: This Amendment is being submitted to the Clerk of the Circuit Court and Comptroller in accordance with Countywide PPM CW-O-051. The Amendment was approved by the County Engineer as a delegated authority in accordance with Palm Beach County Administrative Code Section 404.00. The budget amendment is necessary to reflect the funding from the City for the construction to be incorporated into the County's Project. This item is a companion item to the Project's final Change Order No. 9 (Agenda Item 3-C-1 also on May 14, 2024). These are the last two agenda items necessary to close out the Project. District 7 (YBH)

3. CONSENT AGENDA APPROVAL

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

5. **Staff recommends motion to approve:** Supplement No. 5 (Supplement) to the Contract (R2022-0335), dated April 12, 2022 (Contract) with HSQ Group, LLC (HSQ) in the amount of \$148,853.51 for the Australian Avenue Drainage Improvements from Banyan Boulevard to 45th Street (Project). **SUMMARY:** Approval of this Supplement will provide the professional services necessary to adjust the sidewalk design width to minimize the impact on the existing trees, and to provide materials and presentations for a series of additional public and stakeholder meetings for the Project. On October 7, 2020, the Goal Setting Committee applied Affirmative Procurement Initiatives of a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. HSQ agreed to 88% SBE participation for the Contract. They agreed to 100% SBE participation for this Supplement. Their cumulative SBE participation to date for the Contract including this Supplement is 84.17%. HSQ has an office located in Palm Beach County and is a certified SBE company. **This Project is included in the Five-Year Road Program and has infrastructure sales tax funding.** District 7 (YBH)

6. **Staff recommends motion to approve:** a contract with Kimley-Horn and Associates, Inc. (KHA) in the amount of \$1,880,931.56 for Flavor Pict Road from Lyons Road to Hagen Ranch Road (Project). **SUMMARY:** Approval of this contract will provide the professional services necessary for the preparation of design plans and construction bid documents to extend Flavor Pict Road from Lyons Road to Hagen Ranch Road as a new 4-lane roadway, including construction of a new bridge over Florida's Turnpike. On May 4, 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) participation for African American owned firms, and an MBE evaluation preference for African American owned firms. KHA agreed to 23% SBE participation for the contract. On July 25, 2023, the Consultant's Competitive Negotiations Act Selection Committee selected KHA and, in accordance with PPM No. CW-O-048, the Board of County Commissioners (BCC) was notified of the selection on July 26, 2023. KHA has an office located in Palm Beach County (County). **This Project is included in the Five-Year Road Program.** District 5 (YBH)

MAY 14, 2024

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$100,000 in the personal injury action styled DARIUS YOUNG v. PALM BEACH COUNTY, Case No.: 2020-CA-000581-XXXX-MB (AF). **SUMMARY:** This is a personal injury lawsuit arising from a motor vehicle accident that occurred on October 16, 2018, when a County owned motor vehicle driven by an employee in the Planning, Zoning and Building Department rear-ended Mr. Young's motor vehicle. The accident occurred on Okeechobee Road in West Palm Beach. The accident resulted in personal injuries to Mr. Young, including medical bills of approximately \$229,000. After this accident, Mr. Young had surgery on his lower back. Palm Beach County has entered into an agreement to settle the lawsuit with Mr. Young in the total amount of \$100,000, inclusive of attorney's fees and costs, pending approval by the Palm Beach County Board of County Commissioners. Countywide (AP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) receive and file Amendment 006 to Standard Agreement No. IRP22-9500 (R2022-0395) for the American Rescue Plan Act (ARPA) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period January 1, 2022 through September 30, 2024, to amend, revise and replace portions of the standard agreement and increase the overall total funding by \$100,000 for a new not-to-exceed amount of \$2,762,277, to prevent, prepare and respond to the pandemic by providing supportive services to vulnerable seniors; and

B) approve a downward Budget Amendment of \$463,230 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget with the amended grant award.

SUMMARY: To meet the needs of older adults and family caregivers, the American Rescue Plan (ARP) Program prevents, prepares for, and responds to the coronavirus pandemic. Amendment 006 to the Standard Agreement increases funding by \$100,000 to serve an additional fifteen (15) clients with personal care services for approximately four (4) months. On March 12, 2013, the Board of County Commissioners (BCC) authorized the County Administrator, or designee, signatory authority on additional forms, contracts/agreements and amendments thereto. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as receive and file agenda items. DSVS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. **There is a 10% required County match in the amount of \$11,110 that is already included in the budget.** ARP Amendment 006 Catalog of Federal Domestic Assistance (CFDA) Number is 93.044. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. Staff recommends motion to:

- A) **receive and file** the Agency for Health Care Administration (AHCA) Health Care Licensing Application for the period June 18, 2024 through June 17, 2026, to renew the Division of Senior and Veteran Services (DSVS) Mid-County Adult Day Care Center license as required by AHCA; and
- B) **delegate** to the County Administrator or designee the signatory authority for any necessary documents related to AHCA's licensing for Adult Day Care, that do not substantially change the scope of work, terms, or conditions of the application.

SUMMARY: DSVS is a service provider for Adult Day Care services licensed through AHCA. ACHA re-credentialing verification requires ongoing monitoring and maintenance of providers' records. AHCA is responsible for the licensure and regulation of health facilities, including adult day cares. Adult day cares are required to be licensed by AHCA with renewal every two (2) years through a licensing application process. The licensing renewals enable DSVS to continue to operate the adult day cares. DSVS received notification on February 22, 2024 that AHCA will be implementing Mandatory Online Renewals effective March 5, 2024, in accordance with Rule 59A-35.060, F.A.C., which states all renewal applicants must apply online by submitting the online licensure application form, fees, and supporting documents electronically through AHCA's Online Portal. DSVS will need extended time to prepare the new on-line application set-up process for the County. The attached AHCA Health Care Licensing Application for Renewal is required sixty (60) days prior to the expiration of current licenses. The emergency signature process was utilized because there was insufficient time to submit these agreements through the regular agenda process or the new on-line portal at this time. There is no cost to Palm Beach County as County-operated centers applying for licensure are exempt from the payment of license fees. On July 11, 2017, the Board of County Commissioners authorized the County Administrator, or designee, to execute renewal applications for this purpose. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. DSVS is responsible for providing services north of Hypoluxo Rd. The areas of service include all of the districts, excluding District 2, 4, 5 and 7 south of Hypoluxo Rd. Mae Volen, Inc. is responsible for providing services in the areas south of Hypoluxo Rd. (DSVS) Countywide except for portions of Districts 2, 4, 5, and 7 south of Hypoluxo Rd. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. Staff recommends motion to approve: retroactive Sub-recipient Agreements for Ryan White HIV/AIDS Program (RWHAP) Part A and Minority AIDS Initiative (MAI) for Core Medical and Support Services with the below listed agencies for the provision of services to improve health outcomes for persons with HIV, for the three (3) year period March 1, 2024 through February 28, 2027, in an amount totaling \$16,695,579 of which \$5,565,193 is budgeted in Grant Year (GY) 2024 with an anticipated annual allocation of \$5,565,193 in each subsequent grant year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), subject to funding approval by the U.S Department of Health and Human Services (HHS), Health Resources Services Administration (HRSA):
- A) Sub-recipient Agreement for RWHAP for Health and Support Services with FoundCare, Inc., in an amount not-to-exceed \$7,567,254, of which \$2,522,418, is budgeted in GY 2024, with an anticipated annual allocation of \$2,522,418, for core and medical support services;
 - B) Sub-recipient Agreement for RWHAP for Health Support Services with Midway Specialty Care Center, Inc., in an amount not-to-exceed \$360,507, of which \$120,169, is budgeted in GY 2024, with an anticipated annual allocation of \$120,169, for core and medical support services;
 - C) Sub-recipient Agreement for RWHAP for Health Support Services with Monarch Health Services, Inc., in an amount not-to-exceed \$603,009, of which \$201,003, is budgeted in GY 2024, with an anticipated annual allocation of \$201,003, for core and medical support services;
 - D) Sub-recipient Agreement for RWHAP for Health Support Services with Compass, Inc., in an amount not-to-exceed \$3,477,525, of which \$1,159,175, is budgeted in GY 2024, with an anticipated annual allocation of \$1,159,175, for core and medical support services;
 - E) Sub-recipient Agreement for RWHAP for Health Support Services with Treasure Coast Health Council, Inc., in an amount not-to-exceed \$3,264,741, of which \$1,088,247, is budgeted in GY 2024, with an anticipated annual allocation of \$1,088,247, for core and medical support services;
 - F) Sub-recipient Agreement for RWHAP for Health Support Services with The Poverello Center, Inc., in an amount not-to-exceed \$431,010, of which \$143,670, is budgeted in GY 2024, with an anticipated annual allocation of \$143,670, for core and medical support services;

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. **G)** Sub-recipient Agreement for RWHAP for Health Support Services with Legal Aid Society of Palm Beach County, Inc., in an amount not-to-exceed \$915,243, of which \$305,081, is budgeted in GY 2024, with an anticipated annual allocation of \$305,081, for core and medical support services; and
- H)** Sub-recipient Agreement for RWHAP for Health Support Services with CAN Community Health, Inc., in an amount not-to-exceed \$76,290, of which \$25,430, is budgeted in GY 2024, with an anticipated annual allocation of \$25,430, for core and medical support services.

SUMMARY: On November 21, 2023, the BCC ratified the Mayor's signature on the RWHAP application (R2023-1677). Under this grant, the program will serve approximately 3,600 Palm Beach County residents with HIV and advance our goal to end HIV by 2030. In GY 2023, the approximate number of people with HIV served was 2,868 across all programs and initiatives. The percentage of retained in care was 87%. The following individuals are members of the Palm Beach County Ryan White HIV CARE Council. Hector Bernardino and Angelie Diya are employees of Midway Specialty Care Center, Damion Baker is an employee of Monarch Health Services, Brittany Henry and Lilia Perez are employees of Foundcare Inc., Ashnika Ali is an employee of Treasure Coast Health Council and Lysette Perez is an employee of Compass Inc. Disclosure of this contractual relationship is duly noticed at public meetings provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. This board provides no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. **No County match is required. (Ryan White Program) Countywide** (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. **Staff recommends motion to approve:** the appointment of two (2) new members to the Homeless Advisory Board (HAB), effective May 14, 2024:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Recommended By</u>	<u>Term Expires</u>
4	Isis Williams	Florida Department of Children's & Families	Florida Department of Children's & Families	09/30/2025
8	Helen Nauman	Homeless Service Providers Rep.	Homeless and Housing Alliance	09/30/2026

SUMMARY: The HAB oversees the Leading the Way Home Plan to end homelessness. The U.S. Department of Housing and Urban Development (HUD) recommends that recipients of Continuum of Care (CoC) funds comply with the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), and with 24 CFR Part 578. The CoC provides funds for the operation and maintenance of Safe Havens, transitional housing, and permanent supportive housing. On May 1, 2007, the Board of County Commissioners (BCC) established the Homeless Advisory Board (HAB). Per Resolution No. R2016-0038, the total membership for the HAB shall be no more than 14 at-large members, comprised of members representing government, business providers, law enforcement, advocates, education, faith-based and the formerly homeless; however, the HAB provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. Ms. Williams will complete the term of Elisa Cramer, who left the HAB when she became a county employee with the Youth Services Department. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443 of the Palm Beach County Code of Ethics. Ms. Nauman is employed by Christians Reaching Out to Society, Inc. (CROS Ministries), as the Nonprofit Director of Development and Community Relations, which contracts with the County for services; however, HAB provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. The diversity count for the 9 seats that are currently filled is African-American: 4 (45%), Caucasian: 2 (22%), Native-American: 1 (11%) and Hispanic-American: 2 (22%). The gender ratio (female: male) is 5:4. Ms. Nauman is Caucasian, Ms. Williams 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. (Human Services and Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

5. [Staff recommends motion to approve:](#) the appointment of one (1) new member to the Community Action Advisory Board (CAAB) effective May 14, 2024:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
8	Victoria Anastasi	Private Sector Representative- Banking and Finance	07/11/2025	CAAB

SUMMARY: The Community Action Block Grant (CSBG) agreement requires the establishment of a CAAB which is to participate in the planning, implementation, and evaluation of CSBG programs to serve low-income communities. Community Action Agencies (CAA) were created in the Economic Opportunity Act of 1964 on the premise that local citizens were the most knowledgeable and best equipped to address problems of poverty in their communities. Each CAA is governed by a board of no more than 15 directors and/or their designees. Membership consists of one-third elected public officials or their representatives, one-third private sector members recommended by the CAAB, and one-third low-income representatives who are selected through a democratic process within the targeted neighborhoods. This board structure is defined by federal statute and is known as a tripartite board. Board Members will fully participate and provide voice for the Community Services Block Grant (CSBG) programs created to serve low-income communities. Florida Department of Commerce, is the primary conduit to receive and disperse these federal funds to the local agency. The Agency then provides services, assistance, and other activities of sufficient scope and size to low-income individuals and families throughout Palm Beach County to give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn, and work. Per Resolution No. R-2018-0372, adopted April 10, 2018, amending Resolution No. R-2014-0588. Ms. Anastasi will complete the “private-sector finance” term of Alesia Keller who resigned from the board. Ms. Anastasi meets all applicable guidelines and requirements outlined in the resolution. The diversity count for the 12 seats that are currently filled is African-American: 8 (66%); Caucasian: 3 (25%); and Hispanic-American: 1 (9%). The gender ratio (female: male) is 7:5. Ms. Anastasi is Caucasian. Staff is addressing the need to increase diversity within our boards and will continue to encourage this to expand this Board’s diversity. (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

6. Staff recommends motion to approve: an Interlocal Agreement with The School Board of Palm Beach County (PBC Schools), for a three (3) year period beginning October 1, 2023 through September 30, 2026, in an amount not to exceed \$90,000, of which \$30,000 is budgeted for Grant Year (GY) 2024 with an anticipated annual allocation of \$30,000 in each subsequent grant year, for the term of this agreement, to provide free vocational and skill-set building services. **SUMMARY:** The Community Action Program (CAP) received an award from the Florida Department of Commerce (FDOC), for the Community Services Block Grant (CSBG). CSBG funding is used to provide various services to Palm Beach County's low-income residents. CAP clients are currently able to access available programs from PBC Schools at the Chuck Shaw Technical Education Center and West Technical Education. Both sites offer day and evening classes for adults. A minimum of four (4) qualified CAP clients may be approved for participation. In FY 2023, a total of eleven (11) clients completed training programs through this vendor in certified nursing assistant, commercial vehicle driving, culinary, electrocardiograph technology, food service, forklift operation, home health aid or phlebotomy. Qualified clients must be residents of Palm Beach County and meet the federal poverty level guidelines. **No County match is required.** (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

7. Staff recommends motion to:

A) receive and file a partial funding Notice of Award (NOA) No. 5 H89HA00034-31-00 from the U.S Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA), for the budget period March 1, 2024 through February 28, 2025, in the amount of \$2,135,813 for the Ryan White HIV/AIDS Program (RWHAP) for new and existing programs to continue improving health outcomes for client with HIV/AIDS;

B) receive and file a partial funding Notice of Award (NOA) No.5 UT8HA33954-05-00 from the U.S Department of HHS, HRSA, for the budget period of March 1, 2024 through February 28, 2025, in the amount of \$714,800 for Ending the HIV Epidemic (EHE) a federal grant program focused on reducing new HIV Infections in the United States by 90% by 2030; and

C) delegate to the County Administrator, or designee, signatory authority on additional forms, certifications, contracts/agreements and amendments thereto, and any other necessary documents related to the RWHAP and EHE grant programs that do not substantially change the scope of work, terms or conditions.

SUMMARY: On November 21, 2023 the Board of County Commissioners (BCC) ratified the Mayor's signature on the Ryan White Part A HIV Emergency Relief Grant Program application (R2022-1431). The grant allows the Community Services Department (CSD) to continue providing needed medical and support services to Palm Beach County residents with HIV/AIDS. Some of the services provided under the grant are medical case management, medical care, pharmaceutical assistance, oral health care, legal support services, outpatient ambulatory services, health insurance premium assistance and food bank home delivered meals. On January 12, 2024, the U.S Department of HHS, HRSA issued a partial funding Notice of Award in the amount of \$2,135,813. In Grant Year 2022, the total number of clients served was 2,853 Palm Beach County residents with HIV across all programs and initiatives. Under this grant, the program will serve approximately 3,600 Palm Beach County residents with HIV and advance the goal to end HIV. On December 17, 2019, the BCC ratified the Mayor's signature on the EHE Grant application (R2019-1875). HHS, HRSA issued a partial grant award for EHE in the amount of \$714,800. Under this grant, the EHE program will serve approximately 300 Palm Beach County residents with HIV. **These are EHE grant funds, no County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

8. **Staff recommends motion to approve:** a retroactive Sub-recipient Agreement with Southeast Florida Behavioral Health Network, Inc. (SEFBHN), for the period October 1, 2023 through September 30, 2024, in an amount of \$302,591, to provide services under the Department of Justice (DOJ) Comprehensive Opioid, Stimulants, Substance Use Program (COSSUP) demonstration program. **SUMMARY:** Delay in getting the reconciliation for FY 2023 expenditures with SEFBHN to ascertain contract amount for the no cost grant extension period resulted in retroactive contract dates. The DOJ approved a project for the COSSUP Award #2019-AR-BX-K023 with Palm Beach County Community Services Department (CSD) to provide COSSUP funding to support a care coordinator/housing specialist to assist program participants in securing a recovery housing placement through an established Recovery Housing Voucher Program and Recovery Residence Provider Network. Recovery support services will be provided by a peer recovery support specialist, who has access to Recovery Support Services Funds to further assist participants. This intervention program prioritizes and expedites recovery support services for individuals at high overdose risk. The CSD's COSSUP program focuses on a comprehensive, person-centered, recovery-oriented approach with the goal of ensuring housing stability to support persons involved with the criminal justice system who have a substance use disorder. SEFBHN will provide services to 25 unduplicated clients. Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

9. Staff recommends motion to approve: a retroactive Memorandum of Agreement with The Urban Institute for a period of November 13, 2023 through December 13, 2024 for training and technical assistance to advance locally driven actions that improve upward economic mobility in Palm Beach County. **SUMMARY:** The Urban Institute selected Palm Beach County as one of 31 Mobility Action Teams (PBCMAT) across the United States to participate in a Mobility Action Learning Network. PBCMAT is comprised of representatives from the Community Services Department, Department of Housing and Economic Development, CareerSource of Palm Beach County, Palm Beach County School District, United Way of Palm Beach County, Quantum Foundation and Community Partners of South Florida. This agreement is needed for PBCMAT to receive pro bono technical assistance from the Urban Institute. The Urban Institute will assist the PBCMAT in advancing locally driven programs, policies, and actions that boost upward mobility from poverty. The Urban Institute's assistance will be informed by its Upward Mobility Framework, which identifies five pillars that support mobility from poverty. These pillars include opportunity-rich and inclusive neighborhoods, high-quality education, rewarding work, a healthy environment and access to good health care, and responsive and just governance. Indicators from each of these pillars serve as performance measures that can be influenced by local leaders to help bolster the conditions that boost upward mobility. Delay in getting the authorized signatory established in Sunbiz resulted in the retroactive contract. (Human Services and Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

10. Staff recommends motion to approve: a retroactive Agreement for Provision of Financial Assistance with Southeast Florida Behavioral Health Network, Inc. (SEFBHN) for the provision of Wraparound Services Model training to behavioral health agencies. The term of this Agreement shall be for seven (7) months, starting March 1, 2024 (initial term), ending September 30, 2024. The agreement will automatically renew for one (1) additional one (1)-year term (renewal term), in an amount not-to-exceed \$57,619 in FY 2024, with an anticipated allocation of \$57,619 in the subsequent fiscal year, contingent on a budgetary appropriation by the Board of County Commissioners, for the FY 2025 term of the agreement. **SUMMARY:** The retroactive agreement recommended in this item reflects a dollar amount included in the FY 2024 budget. This agreement represents \$57,619 of the total Financially Assisted Agency (FAA) funding allocation of \$14,179,980 in FY 2024. In FY 2023, SEFBHN provided one (1) Wraparound training and Fidelity Initiative per quarter to 94 employees of various agencies, and will continue to provide training under this agreement. County funding via SEFBHN for the Wraparound Training and Fidelity Initiative, provides a total of 24 training hours to County funded behavioral health agencies' staff as first step towards annual certification or recertification in Wraparound Evidence Based Practice. When services are provided with fidelity to this evidence based practice, access to other client eligible mainstream resources, such as Medicaid, occurs quicker and more consistently. Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** Approve Change Order No. 5 (Change Order) to the Contract (R2023-0218) (Contract) with Alen Construction Group, Inc. (Alen), providing for an increase in the amount of \$95,789.25 and a time extension of 54 calendar days for repairs to the short-term and long-term garages at the Palm Beach International Airport (PBI). **SUMMARY:** On February 7, 2023 (R2023-0218), the Board of County Commissioners approved the Contract with Alen for the repairs to short-term and long-term parking garages at PBI in the amount of \$2,684,458. Approval of this Change Order will increase the total contract amount by \$95,789.25 and provide for an extension of time for 54 calendar days. This Change Order provides compensation for a temporary holiday work suspension, replacement of a damaged bollard in one of the long-term garages, repairs to a portion of the floor slab in the short-term garage to improve drainage and meet current ADA standards, and miscellaneous ramp repairs in the long-term garages. The Contract was presented to the Goal Setting Committee (Committee) on July 20, 2022. This Change Order is being brought to the board for approval pursuant to PPM CW-0-50 approval limits calculated for the value of the change order combined with the time extension. The Committee established a mandatory 20% Small Business Enterprise (SBE) subcontracting goal for this Contract as the Affirmative Procurement Initiative. The SBE participation for this Change Order is 100%. The cumulative SBE participation for this Contract, including this Change Order is 95.7%. Countywide (AH)

2. **Staff recommends motion to approve:** Change Order No. 2 (Change Order) to Amendment No. 10 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Airport Improvements for the Palm Beach County Department of Airports (Department) increasing the total contract amount by \$159,350.11 and extending the time for substantial completion of Work Order MC 19: Landside Security Improvements (Project) at Palm Beach International Airport (PBI) by 187 calendar days. **SUMMARY:** This Project provides for landside security improvements at PBI. This Project was approved on July 11, 2023, in Amendment No. 10 (R2023-0978) to the Contract (R2019-0042) in the amount of \$2,277,200 and 270 calendar days from the notice to proceed. Approval of this Change Order increases the total contract amount by \$159,350.11 to provide for the installation of additional security cameras. A time extension of 187 calendar days is required due to the lead time required to procure the support poles for the equipment. A Disadvantaged Business Enterprise (DBE) goal of 12% was established for this Contract. The DBE participation for this Change Order is 31%. The DBE participation for this Project is 12%. The anticipated cumulative DBE participation for the Contract to date is 18.3%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. Staff recommends motion to approve: Fourteenth Amendment (Amendment) to Lease and Concession Agreement at the Palm Beach International Airport (PBI) (R98-1293, as amended) (Agreement) with Host International, Inc., a Delaware corporation (Host), extending the term of the Agreement to April 1, 2026, providing the County with the right to terminate for convenience, in whole or in part, upon 30 days' prior written notice at no cost to the County, and providing for payment of percentage rent equal to 10.1% of monthly food sales and 15.1% of alcohol sales during the extended term. **SUMMARY:** Host is the food and beverage concessionaire at PBI. The term of the Agreement expires on September 30, 2024. The Amendment extends the term of the Agreement for up to 18 months and provides the County with the right to terminate Host's leasehold interest as to individual concession units to allow for the phased transition of concession units to new food, beverage and retail concepts following completion of a competitive solicitation process, which is anticipated to be completed by the Fall of 2024. The Agreement currently provides for payment of concession fees based on the greater of percentage rent equal to 10.1% of annual food sales and 15.1% of annual alcohol sales, or a minimum annual guarantee (MAG) based on 85% of the preceding year's concession payments. For the year ending September 30, 2023, Host paid concession fees in the amount of \$2,844,850. During the extended term, Host will continue to pay percentage rent based on monthly sales at the same percentages for sales from the concession units it continues to operate during the transition period. An Airport Concession Disadvantaged Business Enterprise (ACDBE) goal of 25% was established for this Agreement, which is achieved through the Host/Tarra Enterprises Joint Venture with Tarra Enterprises, Inc., an ACDBE-certified business partner. Approval of the Amendment will ensure quality, uninterrupted concession services remain available at PBI during the transition period. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

4. Staff recommends motion to approve: Twelfth Amendment (Amendment) to Retail Concession Agreement at the Palm Beach International Airport (PBI) (R2007-2052, as amended) (Agreement) with Paradies-Palm Beach, LLC, a Florida limited liability company (Paradies), extending the term of the Agreement to April 1, 2026, providing the County with the right to terminate for convenience, in whole or in part, upon 30 days' prior written notice at no cost to the County, and providing for payment of percentage rent equal to 15.1% of food and beverage sales, 12% to 20% of sales from specialty-retail concepts, and 22% of all other retail sales during the extended term. **SUMMARY:** Paradies is the retail concessionaire at PBI. The term of the Agreement expires on September 30, 2024. The Amendment extends the term of the Agreement for up to 18 months and provides the County with the right to terminate Paradies' leasehold interest as to individual concession units to allow for the phased transition of concession units to new food, beverage and retail concepts following completion of a competitive solicitation process, which is anticipated to be completed by the Fall of 2024. The Agreement currently provides for payment of concession fees based on the greater of percentage rent equal to 15.1% of food and beverage sales, 12% to 20% of sales from specialty-retail concepts, and 22% of all other retail sales, or a minimum annual guarantee (MAG) based on 90% of the preceding year's concession payments. For the year ending September 30, 2023, Paradies paid concession fees in the amount of \$4,230,037. During the extended term, Paradies will continue to pay percentage rent based on monthly sales at the same percentages for sales from the concession units it continues to operate during the transition period. An Airport Concession Disadvantaged Business Enterprise (ACDBE) goal of 25% was established for this Agreement, which is achieved through Paradies' joint venture partnership with Tito Enterprises, LLC and Bryant Retail Consultant Enterprise, LLC, both of which are ACDBE-certified business partners holding a 12.5% interest each in the joint venture. Approval of the Amendment will ensure quality, uninterrupted concession services remain available at PBI during the transition period. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

5. Staff recommends motion to approve:

- A) Amendment No. 3 (Amendment) to the General Consulting Agreement with Ricondo & Associates, Inc. (Ricondo) in the amount of \$465,236 for the performance of professional airport planning consulting services related to the Palm Beach County Airports Capital Improvement Program; and
- B) a Budget Transfer in the amount of \$465,236 in the Airport's Improvement and Development Fund to provide budget for Amendment No. 3, including a transfer from the Reserves in the amount of \$465,236.

SUMMARY: The Consulting Agreement (Agreement) with Ricondo was approved by the Board of County Commissioners (Board) on August 23, 2022 (R-2022-0888) in the amount of \$2,021,165. Amendment No. 1 (R2023-0700) and Amendment No. 2 (R2024-0045) totaled \$1,643,138.34 and provided for various planning services/tasks, including a safety assessment for the Palm Beach County Park Airport (Lantana Airport), and financial, environmental planning and cybersecurity support services. Approval of this Amendment will increase the amount of the Agreement by \$465,236 for a revised contract value of \$4,129,539.34. A detailed Contract History is included in Attachment 1. This Amendment includes the following tasks: Task I Services – Bond Feasibility Report and Task III Services – Miscellaneous Planning, Financial, Airport Business, Management Support, and Environmental Services. The Task I Services are required for the preparation of a Bond Feasibility Report for the Concourse B Expansion and Aircraft Rescue Fire Fighting (ARFF) Building and Revenue Control Building Replacement projects at Palm Beach International Airport (PBI). Task III Services will be approved in accordance with PPM CW-F-050 by way of a separate task authorization. Ricondo is based in Chicago, Illinois; however, the majority of the work will be completed and managed through its Miami, Florida office. On September 1, 2021, the Goal Setting Committee established a mandatory 10% Small Business Enterprise (SBE) subcontracting goal and a M/WBE Evaluation Preference of up to 15% as the Affirmative Procurement Initiatives for the Agreement. Ricondo committed to 11% SBE participation. The SBE participation for this Amendment is 0%. The cumulative SBE participation for this Agreement, including this Amendment, is 12.4%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to receive and file: Annual Report for the Fiscal Year ending September 30, 2023 from the Town of Jupiter Community Redevelopment Agency (TOJ CRA). **SUMMARY:** The TOJ CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c), Florida Statutes. Countywide (DB)
2. Staff recommends motion to receive and file: Annual Report and Audited Financial Statement for the Fiscal Year ending September 30, 2023 from the Westgate/Belvedere Homes Community Redevelopment Agency (WGBH CRA). **SUMMARY:** The WGBH CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c), Florida Statutes. Countywide (DB)
3. Staff recommends motion to receive and file: Annual Report for the Fiscal Year ending September 30, 2023 from the West Palm Beach Community Redevelopment Agency (WPB CRA). **SUMMARY:** The WPB CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c) and 163.371, Florida Statutes. Countywide (DB)
4. Staff recommends motion to receive and file: The Annual Report for the Fiscal Year ending September 30, 2023 from the Riviera Beach Community Redevelopment Agency (RB CRA). **SUMMARY:** The RB CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c) and 163.387(8), Florida Statutes. Countywide (DB)
5. Staff recommends motion to receive and file: The Annual Report for the Fiscal Year ending September 30, 2023 from the Village of Palm Springs Community Redevelopment Agency (VPS CRA). **SUMMARY:** The VPS CRA has submitted its Annual Report for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c) and 163.387(8), Florida Statutes. Countywide (DB)
6. Staff recommends motion to receive and file: The Annual Report and Financial Statement for the Fiscal Year ending September 30, 2023 from the Boca Raton Community Redevelopment Agency (BR CRA). **SUMMARY:** The BR CRA has submitted its Annual Report and Financial Statement for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c) and 163.387(8), Florida Statutes. Countywide (DB)

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to receive and file: The Annual Report and Financial Statements for the Fiscal Year ending September 30, 2023 from the Boynton Beach Community Redevelopment Agency (BB CRA). **SUMMARY:** The BB CRA has submitted its Annual Report and Financial Statements for the Fiscal Year ending September 30, 2023 as per section number 163.356(3)(c) and 163.387(8), Florida Statutes. Countywide (DB)

8. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$10,928 for the full satisfaction of a code enforcement lien entered against Soraida G. Ortiz on May 2, 2018. **SUMMARY:** On December 6, 2017, a Code Enforcement Special Magistrate (CESM) issued an order giving Soraida G. Ortiz until March 6, 2018 to bring her property located at 812 Beech Road, West Palm Beach into full code compliance. Violations imposed against the property were for an unlicensed vehicle, open storage of trash and debris, installation of a wooden fence without a permit, and windows in disrepair. Compliance with the CESM's order was not timely achieved, and a fine of \$50 per day was imposed. The CESM executed an order imposing a code lien against Mrs. Ortiz on May 2, 2018. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on February 28, 2024. Settlement discussions began on March 8, 2024, when the total accrued fines amounted to \$109,274.30. Mr. Nelson Moscoso, the real estate representative for Mrs. Ortiz, has agreed to pay Palm Beach County \$10,928 (10%) for full settlement of the outstanding code enforcement lien. District 2 (SF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: the First Amendment to Concessionaire Lease Agreement with GC Ventures FL, LLC, exercising the first of two one (1) year renewal options, extending the term from August 16, 2024 to August 15, 2025. **SUMMARY:** On July 13, 2021, the Board of County Commissioners approved a Concessionaire Lease Agreement (Agreement) with GC Ventures FL, LLC (R2021-0944) for the operation of a food and beverage concession at Okeeheelee Golf Course at Okeeheelee Park. The initial term of the Agreement was three (3) years with two (2) successive 1-year renewal options for the management of approximately 1,800 SF of indoor and outdoor space known as the Okee Grill. GC Ventures submitted timely notification of its intention to exercise the first renewal option. This First Amendment extends the lease term from August 16, 2024 to August 15, 2025. All other terms and conditions of the Agreement remain unchanged. The Parks and Recreation Department (Parks) will continue to have administrative responsibility for the Agreement. **(Property & Real Estate Management) District 2** (HJF)

2. Staff recommends motion to approve: First Amendment to the Amended and Restated Agreement (R2019-0846) (Agreement) with Wellington Regional Medical Center, LLC., (Hospital), to extend the term of the Agreement for interoperable communications through the countywide emergency medical services (EMS) and common talk groups of the County's Public Safety Radio System (County's System) from June 18, 2024 through June 17, 2029. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide EMS and common talk groups for certain types of interagency communications, expires on June 17, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. Hospital has approved the amendment to extend the term of the Agreement to June 17, 2029, and the renewal now requires approval by the Board of County Commissioners (Board). The terms of the Agreement are standard and have been offered to all municipalities, local branches of state and federal agencies, and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with the Hospital's subscriber units and to comply with the established operating procedures for the County's System. This Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. This First Amendment extends the term of the Agreement, updates the standard operational provisions and adds the E-verify provisions. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

3. **Staff recommends motion to approve:** First Amendment to the Amended and Restated Agreement (R2019-1307) (Agreement) with Good Samaritan Medical Center Inc. (Hospital), to extend the term of the Agreement for interoperable communications through the countywide emergency medical services (EMS) and common talk groups of the County's Public Safety Radio System (County's System) from May 18, 2024 through May 17, 2029. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Hospital can program its radios into and utilize the countywide EMS and common talk groups for certain types of interagency communications, expires on May 17, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. Hospital has approved the amendment to extend the term of the Agreement to May 17, 2029, and the renewal now requires approval by the Board of County Commissioners (Board). The terms of the Agreement are standard and have been offered to all municipalities, local branches of state and federal agencies, and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with the Hospital's subscriber units and to comply with the established operating procedures for the County's System. This Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. This First Amendment extends the term of the Agreement and adds the E-verify provisions. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (MWJ)

4. **Staff recommends motion to adopt:** a Resolution amending Resolutions Nos. 2013-1470 and 2015-0572 to update the list of County facilities determined to be critical to public safety or security (Critical Facilities) and critical to criminal justice information security (CJI Facilities). **SUMMARY:** The Board of County Commissioners (Board) adopted the Palm Beach County Criminal History Record Check Ordinance pursuant to Section 125.5801, Florida Statutes, requiring criminal history record checks of certain persons requiring access to facilities that the Board determines to be Critical Facilities or CJI Facilities. On October 22, 2013, the Board adopted Resolution 2013-1470, which set forth a list of Critical Facilities on its Exhibit A and CJI Facilities on its Exhibit B. On May 5, 2015, the Board adopted Resolution 2015-0572, which amended Resolution 2013-1470 by updating Exhibit A, the list of Critical Facilities. This Resolution amends Exhibit A, the list of Critical Facilities, in R2015-0572 by removing two locations that are no longer in use, updating the room/suite numbers of existing Critical Facilities and adding the new Supervisor of Elections Production Facility. This Resolution also amends Exhibit B, the list of CJI Facilities, in R2013-1470 by updating the room/suite numbers of existing CJI Facilities. (FDO Admin) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

5. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the Village of Wellington (Village) to lease and maintain a fuel control reader at the Village's public works facility from May 14, 2024 to May 13, 2029, with revenue fees totaling \$3,648 per fiscal year. **SUMMARY:** The Agreement establishes the terms and conditions by which the County will lease and maintain the fuel control reader, provide fuel access cards, and monthly fuel accounting to the Village. In exchange, the Village pays equipment rental fees and for any services provided by the County. In addition, the Agreement provides that the Village will allow PBSO to fuel at this location, which benefits law enforcement efforts. PBSO will also receive an invoice for its fuel usage monthly. The term of the Agreement provides for an initial term of five (5) years with two (2) renewal options, each for a period of five (5) years. The Agreement may be terminated by either party, with or without cause, with a minimum of thirty (30) days' notice. Upon termination or expiration of this Agreement, the fuel control reader shall remain the property of the County. The County does not require any additional staffing and/or equipment to implement this Agreement, and as such, this Agreement will result in increased revenues to the Fleet Management Equipment Rental Fund. (FDO – Admin) District 6 (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 low voltage services on an as-needed basis through August 16, 2026.

<u>Contractor</u>	<u>Status</u>	<u>SBE or Non-SBE</u>
AVI-SPL LLC	Non-Local	Non-SBE

SUMMARY: On August 17, 2021, the Board of County Commissioners (Board) approved the annual low voltage contract (R2021-1064 through R2021-1069). The work consists of low voltage services to County-owned properties on an as needed basis. The Contractor now joins the list of thirteen (13) prequalified contractors for a total of fourteen (14) prequalified contractors with a contract expiration date of August 16, 2026. The specific requirements of the work will be determined by individual work orders issued against this annual low voltage contract. These contracts are five (5) year indefinite-quantity contracts with a maximum cumulative value of \$4,000,000 across all prequalified contractors. Work will be awarded as work orders on a lump-sum, competitively bid basis across all prequalified contractors. Contractors may qualify at any time and be added to this annual low voltage contract before the term ends. Projects 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 low voltage contract was presented to the Goal Setting Committee on March 17, 2021 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Actual Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation will be identified on each work order, and will be tracked cumulatively for all work orders issued. To date, the cumulative S/M/WBE participation for all work orders under the annual low voltage contract is 83.06%. (Capital Improvements) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

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

7. Staff recommends motion to receive and file:

- A) a zero-dollar value (\$0) Change Order No. 3 documenting an increase to the project duration by 82 calendar days and a decrease in the amount of \$5,037 to the project contingency fund of Amendment No. 10 to the continuing Construction Manager (CM) at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the Glades Pioneer Park Orange Bowl Playground project; and
- B) a zero-dollar value (\$0) Change Order No. 4 documenting an increase to the project duration by 3 calendar days and a decrease in the amount of \$1,875 to the project contingency fund of Amendment No. 10 to the continuing Construction Manager (CM) at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the Glades Pioneer Park Orange Bowl Playground project.

3. CONSENT AGENDA APPROVAL

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

7. **SUMMARY:** On January 10, 2023, the BCC authorized the County Administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO), to execute Amendment No. 10 to procure the long-lead time new playground equipment in an amount not to exceed \$1,167,389. On February 1, 2023, the Director of FDO approved Amendment No. 10 to the continuing CM at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. in the amount of \$1,167,389, establishing a Guaranteed Maximum Price (GMP) for construction management services to coordinate, procure and install the new playground, which will replace the existing outdated playground located at Glades Pioneer Park, adjacent to the Orange Bowl field. Change Order No. 3 to Amendment No. 10 (Change Order No. 3) authorizes the use of project contingency funds for an overage on the trade contractor's bid for demucking services for the Glades Pioneer Park Orange Bowl Playground project, as allowed by the contract provisions. Change Order No. 3 also increases the project duration by 82 calendar days as a result of the additional services. Change Order No. 4 to Amendment No. 10 (Change Order No. 4) authorizes the use of project contingency funds for unforeseen field conditions which resulted in additional demucking for the Glades Pioneer Park Orange Bowl Playground project, as allowed by the contract provisions. Change Order No. 4 also increases the project duration by 3 calendar days as a result of the additional services for unforeseen field conditions. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a Contingency Use Directive (CUD), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 3 and Change Order No. 4 are \$0 CUD Change Orders. This agenda item is being submitted to notify the Board of \$0 CUD Change Orders established by PPM CW-F-050. Amendment No. 10 was competitively solicited by Lebolo Construction Management, Inc. utilizing the federal requirements provided by the Department of Housing and Economic Development (DHED). The County's Equal Business Opportunity Program does not apply to federally funded contracts. Under the federal requirements, a minority participation goal of 22.4% and female participation goal of 6.9% has been established. Funding for this project is from the Park Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Amendment No. 1 to the 2022 Pipeline Continuing Construction Contracts (Contracts) with:

A) Johnson-Davis Incorporated (Johnson-Davis); and

B) Hinterland Group Inc. (Hinterland) providing for the renewal of the Contract for a one (1) year term.

SUMMARY: On May 16, 2023, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contracts with Johnson-Davis (R2023-0675) and Hinterland (R2023-0676). The Contracts provide the necessary services to expedite utility special assessment projects and other pipeline improvement projects throughout PBCWUD's service area where timing is critical. The Contracts were approved with a not to exceed amount of \$28,440,000 for Johnson-Davis and \$33,760,413 for Hinterland. The unit prices contained in the Contracts will be used to determine the amount of each Work Order. The Contracts do not guarantee or authorize the contractors to perform any work. Amendment No. 1 to the Contracts provides for the first of the two one (1) year renewal options. Amendment No. 1 renews the Contracts for a one-year term and does not involve any cost increase to the Contracts amount. These Contracts were procured under the requirements of the Equal Business Opportunity Ordinance. On September 7, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. Johnson-Davis and Hinterland have met the established API. Johnson-Davis' Contract provides for 20.83% SBE participation, which includes 5.52% Minority Business Enterprise (MBE) participation, 5.38% MBE (H) and 0.13% MBE (B). Hinterland's Contract provides for 20.96% SBE participation, which includes 5.85% MBE participation, 5.85% MBE (H). Johnson-Davis and Hinterland are Palm Beach County based companies. The Contracts are included in the PBCWUD FY24 budget. (PBCWUD Project No. 22-032) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

2. Staff recommends motion to receive and file:

- A) Amendment No. 1 to Agreement No. 22FRP71 between Florida Department of Environmental Protection (FDEP) and Palm Beach County; and
- B) Amendment No. 1 to Agreement No. 22FRP75 between FDEP and Palm Beach County.

SUMMARY: On February 7, 2023, the Board of County Commissioners (BCC) accepted Standard Grant Agreement 22FRP71 (R2023-0169) with the FDEP for the Western Region Wastewater Treatment Facility (WRWWTF) Operations Building Replacement (WRWWTF Project) and Standard Grant Agreement 22FRP75 (R2023-0170) for the Wastewater Lift Station 0637 (LS 0637) Hardening Improvements (LS 0637 Project) for a period of February 7, 2023 through September 30, 2026. The WRWWTF Project consists of replacing the existing operations building with a state-of-the-art building to provide a safer more dependable environment and prevent potential for critical system failure. LS 0637 Project includes elevating the critical components, such as access hatches, power supply, and instrumentation system to improve reliability of operation during projected periods of groundwater inundation, storm surge and rainfall induced flooding. The BCC also delegated authority to the County Administrator, or designee, to execute standard grant agreements, amendments, and all other documents necessary for the implementation of the grant award. FDEP requested an amendment to both agreements to update the project title; update Attachments 1, 2, 3, 5, 6 & 8, Exhibits A and F; and add Exhibit J. This Amendment is now being submitted to the BCC to receive and file. (PBCWUD Project Nos. 22-012 WRWWTF and 21-021 LS 0637) Districts 3 & 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

3. Staff recommends motion to:

- A) **approve** a Standard Grant Agreement with the State of Florida Department of Environmental Protection (FDEP) in the amount of \$3,000,000 for the Palm Beach County Green Cay Phase 2 Project (Project);
- B) **delegate authority** to the County Administrator, or her designee which in this case shall be the Director of Palm Beach County Water Utilities Department (PBCWUD), to sign and execute the grant agreement and all future time extensions, task assignments, certifications, and other forms associated with the grant agreement and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the grant agreement; and
- C) **approve** a \$3,000,000 Budget Amendment in the Water Utilities Department Capital Improvement Fund to establish budget for the grant revenue and related expenditures.

SUMMARY: The State of Florida has allotted money to assist capital outlay including buildings and other improvements. The objectives of the PBCWUD Project are to produce purified water that will be conveyed to the lakes at the Green Cay Phase 2 Park to replenish regional groundwater and constructing a state of art public education and learning center, supporting PBCWUD's strategic goals of becoming a sustainable and best-in-class utility. **The \$3,000,000 grant requires no match.** (PBCWUD Project No. 20-036) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (cont'd.)

4. Staff recommends motion to:

- A) **approve** a Drinking Water State Revolving Fund (DWSRF) Planning and Design Loan Agreement (Agreement) DW5020C0 in the amount of \$9,968,768 for Planning and Design for the upgrades to Water Treatment Plant (WTP) Nos. 2, 3, 8 & 9 to remove perfluoroalkyl and polyfluoroalkyl substance (PFAS). The Agreement is effective as of the date of execution by Florida Department of Environmental Protection (FDEP) and ends August 15, 2028;
- B) **delegate authority** to the County Administrator, or her designee which in this case shall be the Director of Palm Beach County Water Utilities Department (PBCWUD), to sign all loan agreements and supporting documents, complete all registration requirements, future time extensions, task assignments, certifications, and other forms associated with the loan agreement and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the agreement; and
- C) **approve** a \$9,968,768 Budget Amendment in the Water Utilities Department Capital Improvement Fund to establish budget for the grant revenue and related expenditures.

SUMMARY: The DWSRF Program provides low-interest loans to eligible entities for planning, designing and constructing public water facilities. Funds are made available for planning, design and construction loans. The DWSRF was allocated an additional fund source for the DWSRF Emerging Contaminants (EC) program which is for projects with the primary purpose of addressing emerging contaminants in drinking water, such as PFAS. Under the DWSRF EC program 100% of the funding will be given as principal forgiveness. PBCWUD has received funding to evaluate and develop potential treatment options at the lime softening facilities for WTP 2 and 8 to reduce PFAS concentrations. PBCWUD has also received funding to evaluate solutions for expansion of nanofiltration at the membrane facilities of WTP 3 and 9 to meet near-term demand of the Eastern water distribution system. **The \$9,968,768 loan has 100% principal forgiveness and no repayment/match is required.** Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** an appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a three-year term beginning May 14, 2024 to May 14, 2027.

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated by</u>
7	Tamara McKee	Business Person	05/14/2027	Comm.Barnett Vice Mayor Marino Comm. Weiss Comm. Woodward

SUMMARY: The GNRPB is comprised of seven (7) members as specified in Article 2.G.3.F.3 of the Unified Land Development Code (ULDC), and is a decision-making body that holds hearings necessary to enforce the ULDC provisions and other Ordinances that the Department of Environmental Resources Management oversees. The membership consists of a professional engineer, an attorney, a hydrologist or hydrogeologist, a citizen possessing expertise and experience in managing a business, a biologist or chemist, a concerned citizen, and a member of an environmental organization. Article 2.G.3.F.3 of the ULDC requires that Seat No. 7 be filled by a citizen possessing expertise and experience in managing a business. The GNRPB has six (6) seats currently filled and diversity count of Caucasian: 3 (50%), African-American: 2 (33.33%) and Hispanic-American: 1 (16.67%). The gender ratio (female:male) is 3:3. Seat No. 7 nominee is a Caucasian female. Staff continues to address the need for increased diversity within our boards and will encourage expansion of this Board's diversity. Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

2. Staff recommends motion to:

A) **approve** Amendment No. 1 (Amendment) to State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. 23PB5 (Agreement), providing for an additional \$188,147 for design, permitting, construction, and monitoring of the South Lake Worth Inlet Management Plan Implementation Project (Project), and to extend the expiration date of the Agreement from December 31, 2025 to December 31, 2026; and

B) **approve** a Budget Amendment of \$188,147 in the Beach Improvement Fund to recognize the revenue award from FDEP.

SUMMARY: On April 18, 2023, the Board of County Commissioners approved the Agreement (R2023-0519) providing for reimbursement from FDEP of up to \$3,426,250 cost share for design, permitting, construction and monitoring of the Project. The Amendment reimburses the County up to an additional \$188,147 for the following costs: an additional \$138,147 for design and permitting of inlet maintenance dredging, with a local County match of \$138,147 (50%), and an additional \$50,000 for biological and physical monitoring costs, with a local County match of \$50,000 (50%). The County's 50% match for the increased funding associated with this Amendment will be \$188,147, using available funds in the Beach Improvement Fund. The Amendment also extends the expiration date one year to December 31, 2026. **The County cost share is \$188,147. District 4 (SS)**

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

3. Staff recommends motion to adopt: a Resolution approving a standard form Interlocal Agreement (Agreement) to provide funding to municipalities for the removal and disposal of floating structures in accordance with Ordinance No. 2021-017; and authorizing the County Administrator or their designee to execute the Agreement, sign all future time extensions, award letters, amended award letters and other forms associated with the Agreement, and necessary minor amendments that do not substantially change the scope of work or terms and conditions, and do not affect the monetary terms, of the Agreement. **SUMMARY:** On June 15, 2021, the Board of County Commissioners approved Ordinance No. 2021-017, an amendment to the Cindy DeFilippo Floating Structure Ordinance No. 2015-030, which prohibits the anchoring, mooring or otherwise affixing of floating structures upon or to, waters of the County within the incorporated and unincorporated areas of the County unless a municipality opts out or adopts an ordinance in conflict, and allows for direct removal of floating structures in violation of the Ordinance. The County will receive up to \$100,000 in Florida Department of Environmental Protection (DEP) reimbursement based grant funding from the DEP Agreement LPA 0721 to be used towards floating structure removal and disposal. The grant funds, and other potential funds, will be distributed to municipalities on a first come, first serve basis for reimbursement of floating structure removal and disposal services in accordance with the Agreement. Each participating municipality will be asked to provide a cost share for the floating structure removal and disposal services. **There is no cost to the County.** Districts 1, 2, 4, and 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

4. Staff recommends motion to:

- A) **approve** Agreement No. LPA0721 (Agreement) with the State of Florida, Department of Environmental Protection (DEP) for an amount not-to-exceed \$2,100,000 providing financial assistance for the Lake Worth Lagoon Initiative (LWLI), for four projects located in the Lake Worth Lagoon, for a term beginning upon execution and expiring February 28, 2029;
- B) **authorize** the County Administrator or designee to sign all future time extensions, task assignments, change orders, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, or terms and conditions of the Agreement; and
- C) **approve** Budget Amendment of \$2,100,000 to the DEP Lake Worth Lagoon Ecosystem Fund to recognize revenues from Agreement.

SUMMARY: The Agreement will reimburse \$2,100,000 of construction, contractual and project management costs and does not require match funding. The projects are Bonefish Cove Restoration, Providencia Cay Restoration, Lake Worth Lagoon Seagrass Restoration and the Marine Debris Removal Pilot Project. The restoration projects will create, restore or enhance critical shallow estuarine habitats within the Lake Worth Lagoon. The Marine Debris Removal Pilot project will coordinate the removal of existing floating structures and other marine debris within the Lake Worth Lagoon to improve water quality and protect existing habitats. This funding is part of the State of Florida Legislature's General Appropriations Act. The Agreement contains indemnification, liability and termination provisions that differ from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, Risk Management and the County Attorney's Office have reviewed the language and advised the Department of the associated risks. Given that liability is limited to County's non-compliance or performance of this agreement and the statutory caps of Section 768.28, Florida Statutes, staff recommends Board approval. **There is no cost to the County.** Districts 1, 2, 4 & 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

5. Staff recommends motion to:

- A) **approve** Amendment No. 3 to Agreement No. LP50202 (R2017-0082) with the State of Florida, Department of Environmental Protection (FDEP) providing for an additional \$261,804 for the Lake Worth Lagoon Initiative Project (Project), and to extend the expiration date of the Agreement from December 31, 2024 to January 31, 2029; and
- B) **approve** Budget Amendment of \$261,804 to the FDEP Lake Worth Lagoon Ecosystem Fund to recognize revenues from Amendment No.3.

SUMMARY: On January 10, 2017, the Board of County Commissioners approved the original Agreement providing for reimbursement from FDEP of up to \$2,000,000 for design, permitting, construction, and monitoring of the Project. On July 22, 2021, Amendment No. 2 increased the funding amount from \$2,000,000 to \$2,250,000, with the additional \$250,000 in funds awarded for Task 3 Monitoring. Amendment No. 3 provides for an increase in funding from \$2,250,000 to \$2,511,804, a 49-month extension, and minor task adjustments to complete work associated with the additional \$261,804 in funds awarded for Task 3 Monitoring. Other changes include updates to reflect standard FDEP grant provisions. This funding is part of the State of Florida Legislature's General Appropriations Act and does not require match. The Agreement contains indemnification and termination provisions that differ from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, Risk Management and the County Attorney's Office have reviewed the language and advised the Department of the associated risks. Given that liability is limited to County's non-compliance or performance of this agreement and the statutory caps of Section 768.28, Florida Statutes, staff recommends Board approval. **There is no cost to the County.** Districts 1, 2, 4 & 7 (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

6. Staff recommends motion to receive and file: Amendment Number 1 to the Contract for Consulting/Professional Services (R2023-1793) (Contract) with the Florida Fish and Wildlife Conservation Commission (FWC) to provide fisheries monitoring in the Lake Worth Lagoon (LWL), in order to clarify that the correct terminology for FWC's contribution is "State Match" instead of "In-Kind Services." **SUMMARY:** On December 5, 2023, the Board of County Commissioners approved the Contract with FWC to provide fisheries monitoring in the Lake Worth Lagoon (LWL) and 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. The Contract requires FWC to provide in-kind services of \$56,823, comprising of two staff including field time, lab time, analysis and report writing (\$43,351 total personnel costs), all nets (equipment and supplies \$5,562), and travel costs (\$7,910), as more particularly described in Exhibit A. Amendment Number 1 replaces the term "in-kind services" with "state match" in the Contract and Exhibit A, but does not affect FWC's required contribution. Additional changes to the Contract include correcting the spelling and phone number of FWC's Grant Administrator. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** Districts 1, 2, & 7 (SS)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: an executed Amphitheater Rental Agreement with the Genesis Marketing & Promotions, LLC for the Blackluxie Picnic Event at Sunset Cove Amphitheater, for the period of February 23, 2024 through February 25, 2024. This event generated \$8,459 in revenue, with \$3,973 in direct expenses; thus providing a net fiscal impact of \$4,486. **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)
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 \$700 for the Blackluxie Picnic Event at Sunset Cove Amphitheater on February 24, 2024 through February 25, 2024. **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 5 (AH)
3. Staff recommends motion to receive and file: an executed Promoter Amphitheater Rental Agreement with DEUTERMANPRODUCTIONS.COM.LLC., for the Jupiter Seafood Festival at Seabreeze Amphitheater, for the period February 14, 2024 through February 19, 2024. This festival generated \$13,737 in revenue, with \$1,737 in direct expenses; thus providing a net fiscal impact of \$12,000. **SUMMARY:** This Standard Promoter 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 2023-0423. 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

4. Staff recommends motion to receive and file: an executed Special Events Rental Agreement with CC Leisure LLC, for the Big Bounce America Event at John Prince Park, for the period February 6, 2024 through February 19, 2024. This event generated \$9,096 in revenue, with \$2,596 in direct expenses; thus providing a net fiscal impact of \$6,500. **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)

5. Staff recommends motion to receive and file: an executed agreement with Team Services Florida, LLC, to provide sports officiating services for Department operated youth basketball and youth volleyball programming at West Boynton Recreation Center in an amount not to exceed \$8,568, for a period of January 30, 2024, through September 30, 2024. **SUMMARY:** The Parks and Recreation Department operates sports programs and amenities including youth basketball and volleyball at the West Boynton Recreation Center. These programs require qualified sports officials to referee every game, in order to ensure safe and fair play. Procurement of sports official services are exempt from the Palm Beach County Purchasing Code Section 2-51(f); however, where possible exempt procurements shall be competitively bid by the Department. A Request for Submittals (RFS) was issued in October 2023, seeking submittals for sports officiating services at West Boynton Recreation Center. One submittal was received and evaluated from Team Services Florida, LLC. The Department subsequently entered into an agreement with Team Services Florida, LLC. The term of this agreement is from January 30, 2024 through September 30, 2024, no renewal options are included. This Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of Purchasing in accordance with Section 2.53(d) of the Purchasing Code. In accordance with County PPM CW-O-051, all delegated agreements must be submitted by the initiating Department as a receive and file agenda item. This executed agreement is now being submitted to the BCC to receive and file. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (cont'd.)

6. Staff recommends motion to approve: a Second Amendment to the Recreation Facility Rental Agreement with the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex (TR Complex) in John Prince Park. This Amendment exercises the second renewal option retroactively for the period of May 1, 2024 through April 30, 2025 with the annual rent of \$67,536. **SUMMARY:** On April 12, 2022, the Board of County Commissioners (BCC) approved a Rental Agreement (R2022-0362) with the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex (TR Complex) in John Prince Park. The term of the agreement was for the period of May 1, 2022 to April 30, 2023, with two (2) one (1) year renewal options. On May 16, 2023, the BCC approved a First Amendment (R2023-0688), which exercised the first renewal option retroactively for the period May 1, 2023 through April 30, 2024. This Second Amendment exercises the second and final renewal option of the rental agreement for the period of May 1, 2024 through April 30, 2025. The renewal of this agreement allows for the County to expand on its partnership with the YMCA for year round aquatic programming at the TR Complex and increase the overall number of classes and services offered to the general public. District 3 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

- A) **approve** an Interlocal Agreement with the Public Defender's Office of the Fifteenth Judicial Circuit in the amount of \$50,000 for the Agreement period of May 14, 2024 through December 31, 2024 to fund community-based social services as jail alternatives for pretrial inmates under the Criminal Justice Commission's (CJC) John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge (SJC) Project; and
- B) **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, that do not substantially change the scope of work, or terms and conditions of the Agreement.

SUMMARY: Under the SJC project, the County, through its CJC, has received \$4,350,000 in grant funding to reduce the jail population without compromising public safety and address racial and ethnic disparities in the criminal justice system. In March 2019, the Public Defender began utilizing service dollars from the SJC grant to place pretrial clients in housing and connect them with community-based social services. This agreement provides \$50,000 additional grant dollars designated for these services. The Public Defender's Office will follow up routinely with the client and service providers to ensure appropriate placement and track agreed-upon outcomes for the client. During the SJC grant, the Public Defender has provided services to 294 individuals based on their needs. Countywide (HH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve:

A) appointment of one (1) nominee to seat 4 of the Consumer Affairs Hearing Board (CAHB) for the term beginning May 14, 2024 through September 30, 2026; and

<u>Seat</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
4	Richard Brumback	Resident	Commissioner Weiss Commissioner Woodward Commissioner Bernard

B) appointment of one (1) nominee to seat 5 for the term beginning October 1, 2024 through September 30, 2027.

<u>Seat</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
5	Marsha Cohn-Wilkins	Resident	Mayor Sachs

SUMMARY: The CAHB serves both as an advisory capacity to the Board of County Commissioners (BCC) and as an Appeals Hearing Board to hear and act on appeals relating to the towing and immobilization, vehicle for hire, moving, home caregiver, adult entertainer, water taxi, and consumer affairs ordinances. The Consumer Affairs Ordinance was approved by the BCC on December 17, 2013, and codified in Chapter 9, Article I of the Palm Beach County Code. The Consumer Affairs Ordinance established a seven (7) member CAHB. Members are at-large appointments selected from various businesses, professions and the general public. Member terms are for three (3) years with a limit of three (3) consecutive terms expiring September 30th. Seat 4 is currently vacant and Seat 5 will become vacant on September 30, 2024 due to term limits. A memo was sent to the BCC on February 15, 2024 seeking nominations. The CAHB has a maximum of seven (7) members. With the appointment of these nominees, the CAHB will have seven (7) seats filled. The diversity count of the current five (5) seats filled is as follows: Caucasian: 3 (60%), Asian: 1 (20%), and African American: 1 (20%). The gender ratio (male: female) is 5:0. In addition to a distinguished academic career as a lecturer (retired) and interest in the field of consumer protection, Mr. Brumback holds a Master's Degree and Ph.D. in Public Administration. Ms. Cohn-Wilkins is an educator (retired) with an interest in consumer protection, holds a Masters of Arts in Educational Psychology, and has prior experience serving on the PBC Library Advisory Board. Staff is addressing the need to increase diversity within our Board and will continue to encourage this to expand this Board's diversity. Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

2. Staff recommends motion to:

A) **receive and file** the executed subcontract 23FVP26 with the Florida Council Against Sexual Violence (FCASV) for the period retroactive to December 1, 2023 through June 30, 2025 in the amount of \$107,642 to provide sexual assault services;

B) **approve** the addition of one (1) full-time Victim Advocate (pay grade 29) to the Department of Public Safety Complement; and

C) **approve** a Budget Amendment of \$107,642 in the Public Safety Grants Fund to recognize the grant award.

SUMMARY: Palm Beach County, Department of Public Safety, Division of Victim Services (DVS) was awarded a US Department of Health and Human Services, Family Violence Prevention and Services Act (FVPSA) (CFDA#16.017) award from the FCASV in the amount of \$107,642 for the first year of a two-year funding cycle ending in June 2025. The FCASV was not authorized to release the subcontracts until January 23, 2024; however, the subcontract is retroactive to December 1, 2023. This award will ensure the continuity of sexual assault services for sexual assault survivors and their dependents. This funding will be used to expand access to trauma-informed therapy and counseling through telehealth with a contracted therapist. The Victim Advocate position (pay grade 29) will provide direct services including crisis intervention, counseling, and mobile advocacy which can include responding to hospitals, law enforcement agencies, court, and public locations for in-person assistance. Due to first year funding needing to be spent down by June 30th and time restraints to add a new position to the DVS complement, a Temp FRS position will be hired to provide direct services including but not limited to crisis counseling, and court accompaniment. The Temp FRS position and the Victim Advocate position will be approved for the length of the grant funding and will be deleted from the DVS complement when funding is discontinued. As the only certified rape crisis program in Palm Beach County, for the period of July 1, 2022 to October 31, 2023, DVS assisted 1,340 new and ongoing primary and secondary victims with 19,307 units of service. R2006-0095 authorized the County Administrator or designee to execute FCASV grant contracts on behalf of the County. **No County matching funds are required for this grant.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. Staff recommends motion to approve:

- A) a Contract for Provision of Services with Prime Time Palm Beach County, Inc. (Prime Time) for the period May 20, 2024 through September 30, 2024, in an amount not to exceed \$169,395 for connecting summer camps for low income children to expanded learning opportunities (ELOs); and
- B) a Budget Transfer of \$7,571 in the General Fund from the Evidence-Based Programming unit (Unit 1451) to fund the cost of programming associated with this Contract.

SUMMARY: The funding provided under this Contract will allow Prime Time to make connections with summer camps to offer expanded learning opportunities to youth attending summer camps. Fishing skills, emerging technology, musicianship, nutrition and culinary education are included in these expanded learning opportunities. This Contract includes reporting measurements specific to Prime Time. After completion of the contract year, a report will be generated detailing Prime Time's progress in meeting their performance measurements. Last summer, Prime Time met or exceeded all of their projected outcomes. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: two (2) fully executed Palm Beach County FY2024, Category “G” Grant Agreements managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with:

A) Match Point, Inc., for the promotion of the Delray Beach Open, held from February 9 – 18, 2024, for the term November 9, 2023 – July 18, 2024. This grantee was approved by the TDC on September 14, 2023, in the amount of \$35,000; and

B) East Coast Championships, LLC, for the promotion of the East Coast Championships SoFlo Nationals, held from February 24 – 25, 2024, for the term November 24, 2023 – July 25, 2024. This grantee was approved by the TDC on November 9, 2023, in the amount of \$15,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. On June 7, 1994, the Board of County Commissioners (Board) adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights generated for Match Point, Inc /Delray Beach Open were 817, and room nights generated for East Coast Championships, LLC/ East Coast Championships SoFlo Nationals were 3,105. Districts 2 & 7 (YBH)

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

A. FACILITIES DEVELOPMENT AND OPERATIONS/PURCHASING

1. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be entitled “The Palm Beach County Procurement/Purchasing Code”, repealing and replacing sections 2-51 through 2-58 of the Palm Beach County Code, which codified Ordinance No. 2005-062, Ordinance No. 2008-009, Ordinance No. 2010-010, Ordinance No. 2015-004 and Ordinance No. 2018-022, establishing a centralized purchasing system; providing for general provisions; providing for application/exemptions; providing for ethical standards in procurement; providing for definitions; providing for designation, duties and authority of the Director of Procurement and the Procurement Department; providing for delegation of authority to subordinate staff and authority of departments of Engineering and Public Works, Airports, Water Utilities, Facilities Development and Operations, and Environmental Resources Management; providing for a mandatory bid and proposal amount; establishing requirements for competitive source selection; providing for alternate source selection; providing authority of Procurement Director and the Contract Review Committee for changes after contract award; providing for waiver of requirements for competitive selections for consulting services; providing for procurement card (pcard) services; providing for protested awards; providing for suspension and debarment; providing for vendor preferences; prohibiting conflicts of interest; providing for construction services; providing for CCNA services; providing for automation of the procurement process; providing for unsolicited proposals; providing for indexing; providing for repeal of laws in conflict; providing for severability; providing for captions; providing for savings clause; providing for inclusion in the Code of Laws and Ordinances; providing for an effective date. **SUMMARY:** The current Purchasing Code (Code) was enacted in 2015 by means of Ordinance No. 2015-004, which in turn repealed and replaced Ordinance No. 2005-062 (as amended by Ordinances Nos. 2008-009 and 2010-010). The current Code was revised in 2018 (Ordinance No. 2018-022) to incorporate the necessary references to the then recently adopted Equal Business Opportunity program (Ordinance No. 2018-021). Although it was adopted in 2015, many of the provisions of the current Code originate in its 2005 version and warrant revisions to reflect current industry practices and market conditions. Approximately five years ago, County staff started working on proposed revisions to the Code. The proposed revisions were presented to the Board of County Commissioners (Board) during a Workshop meeting held on February 27, 2024. Following discussion by the Board of the proposed revisions, staff was directed to 1) consider a modified approach to the proposed protest bond provisions, 2) return with recommendations on means to accelerate processing of agenda items to be considered by the Board, and 3) proceed to preliminary reading of the proposed ordinance. Preliminary reading of the proposed ordinance took place on April 9, 2024 at which time staff was given permission to advertise for public hearing. (FDO Admin/Purchasing) Countywide (MWJ/AH)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to approve:

- A) The assignment of the Contract for the Operation and Maintenance of Baggage Handling Systems (BHS) at the Palm Beach International Airport (Contract No. 23-015/MD; R2023-0219) (Contract) from John Bean Technologies Corporation to Oshkosh AeroTech, LLC (Oshkosh), formerly known as JBT AeroTech Corporation; and
- B) First Amendment (Amendment) to the Contract, increasing the total contract amount by \$2,928,626.63 to provide for maintenance and repair of the BHS at the Palm Beach International Airport (PBI), including replacement of two baggage claim carousel units.

SUMMARY: On February 7, 2023, the Board of County Commissioners approved the Contract for the operation, maintenance and repair of the BHS and related systems at PBI with John Bean Technologies Corporation. John Bean Technologies Corporation entered into an Assignment and Assumption Agreement with JBT AeroTech Corporation on August 1, 2023, which provided for the assignment of the Contract to JBT AeroTech Corporation. On February 16, 2024, JBT AeroTech Corporation changed its name to Oshkosh AeroTech, LLC. This item provides for the County's approval of the assignment as required by the Contract. The original contract amount for the period commencing on February 28, 2023, and ending on February 27, 2025, was \$4,417,698.07. The Amendment will increase the total authorized contract amount to \$7,346,324.70. As a result of recent unanticipated equipment failures, the Department of Airports is recommending replacement of two baggage claim carousel units to ensure a sufficient number of functional baggage claim carousel units remain available for use by the airlines to deliver passenger baggage. Approval of the Amendment will provide funding for the replacement of damaged baggage claim carousel units and to complete other necessary repairs, maintenance and improvements to the BHS and related systems, including the purchase of replacement parts and associated equipment. The Contract required an update to the controls that sort, scan, encode, transport and deliver baggage to be completed in the first contract year. The Amendment also extends the date for completion of the project to a future contract year to prioritize completion of work to the baggage claim carousel units.

5. REGULAR AGENDA

A. AIRPORTS (cont'd.)

1. **SUMMARY (cont'd.):** Airlines utilizing the BHS at PBI pay for the full cost of the system through rates and charges established annually in accordance with the Signatory Airline Agreement (R2019-1155). Oshkosh's principal place of business is Orlando, Florida. The Office of Equal Business Opportunity applied a Small Business Enterprise (SBE) Evaluation Preference for SBE Participation up to 15% as the Affirmative Procurement Initiative on July 6, 2022. Oshkosh committed to 17.60% SBE Participation. The SBE participation to date is 13.52%. Pursuant to changes to Chapter 332, Florida Statutes, effective as of 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 provided in Section 287.017, Florida Statutes, on a consent agenda. The Amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

~~B. CLERK & COMPTROLLER~~

- ~~1. **Staff recommends motion to receive and file:** two (2) Palm Beach County financial reports for the fiscal year ended September 30, 2023:~~

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

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

~~**SUMMARY:** The Clerk of the Circuit Court & Comptroller's office will provide a year-end financial review based on of the Palm Beach County ACFR and PAFR for fiscal year ended September 30, 2023. The Annual Comprehensive Financial Report (ACFR) is prepared in accordance with Section 218.32 and 218.39, Florida Statutes. This report is required and is filed with the Government Finance Officers Association (GFOA) annually. The Popular Annual Financial Report (PAFR) is a condensed version of the ACFR. This report is optional and is filed with GFOA annually. Countywide~~

5. REGULAR AGENDA

C. PALM TRAN

1. Staff recommends motion to approve: The Labor Management Agreement (LMA) between Palm Tran, Inc. and the Palm Beach County Board of County Commissioners (BCC), as joint employer, and the Service Employees International Union, Florida Public Services Union, CtW, CLC (SEIU) representing 44 regular full-time, non-professional, supervisory employees of Palm Tran, Inc. for the three (3) year period of October 1, 2023 through September 30, 2026. **SUMMARY:** On May 5, 2023 Palm Tran began contract negotiations with SEIU for the purpose of negotiating the terms and conditions of employment for 44 Palm Tran employees (Thirty (30) Operations Supervisors and ten (10) Maintenance Supervisors. On March 6, 2024, Palm Tran and SEIU tentatively agreed to the terms and conditions of the LMA. The Agreement was ratified by SEIU on March 26, 2024. Of the 47 Articles included in the LMA, 12 were amended during the negotiation process. In general, changes to the non-economic work rules will allow for increased efficiency and effectiveness of operations. The negotiated wage article established fair wages by effectively addressing wage compression between supervisors and their direct subordinate staff. The new wage article addresses compression by allowing operation supervisors to be paid three quarters of one percentage point above the top wage bus operators and one half of one percentage point above the maintenance technicians. This will provide an 11.95% increase over three (3) years of the agreement for Operations Supervisors and an 8.25% increase for Maintenance Supervisors. This represents a wage increase over the term of the agreement of \$299,579, and an increase in uniforms of \$22,950 for a total increase of \$322,529. Countywide (MM)

5. REGULAR AGENDA

D. PLANNING ZONING AND BUILDING

1. [Staff recommends a motion to approve](#) on preliminary reading and permission to advertise for public hearing on June 11, 2024 at 9:30 a.m.: An Ordinance of The Board of County Commissioners (BOCC) of Palm Beach County, Florida, **Repealing** Ordinance 2020-028: The Palm Beach County Amendments to the Florida Building Code (FBC), 7th Edition, (2020) Chapter 1, "Administration" (FBC-Building) and Figures 1609.3 (1), (2), and (3), Basic Wind Speed Maps (FBC-Building), and Appendix F, "Proposed Construction Building Codes for Turf and Landscape Irrigation Systems" (FBC-Plumbing); **Adopting** the Palm Beach County Amendments to the Florida Building Code (FBC), 8th Edition (2023), Chapter 1, "Scope and Administration" (FBC-Building), and Figures 1609.3 (1), (2), (3), and (4) Wind Loads and Maps (FBC-Building), Appendix Q "Tiny Houses" (FBC-Residential), and Appendix F, "Proposed Construction Building Codes for Turf and Landscape Irrigation Systems" (FBC-Plumbing); Providing for Applicability; Providing for Repeal of Laws in Conflict; Providing for Inclusion in the Code of Laws and Ordinances; Providing for a Savings Clause; Providing for Severability; and Providing for an Effective Date. **SUMMARY:** The Florida Legislature enacted Florida Statute Section 553.73, mandating a statewide (FBC) and allowing local governments to adopt their own Administrative Chapter of the FBC. This proposed ordinance adopts an updated Chapter 1 "Scope and Administration" of the FBC 8th Edition (2023) applicable to the unincorporated area of Palm Beach County, and in those municipalities having an Interlocal Agreement for the provision of County plan review and inspection services. As in past code updates, this Administrative Chapter 1 is based on the language adopted by the Florida Building Commission, along with model language developed by the Building Officials Association of Florida (BOAF), which was further refined by the Palm Beach County Building Code Advisory Board (BCAB) and adapted specifically to align with Palm Beach County regulations. Figures 1609.3 (1), (2), (3) and (4) have been modified pursuant to changes in the FBC 8th Edition (2023), in accordance with Florida Statute Section 553.73 and Section 1609.3 of the FBC, and changes in the reference standard ASCE-7-2022. This section provides for local governments to clarify and establish specific wind speed/wind borne debris lines using physical landmarks, whenever possible. This proposed ordinance also adopts FBC 8th Edition (2023) Appendix Q of the FBC-Residential volume allowing the construction of tiny houses. This proposed ordinance also repeals and re-adopts an updated FBC 8th Edition (2023) Appendix F of the FBC-Plumbing volume regulating new irrigation systems helping to conserve water and protect the public water supply. These Construction codes shall apply to all irrigation systems used on residential and commercial landscape areas, excluding use of reclaimed waters. They address the design requirements, water quality, materials, installation, inspection and testing for such systems. These construction codes do not apply to irrigation systems for golf courses, nurseries, greenhouses, or agricultural production systems. Unincorporated (RM)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

- A) an Agreement for Purchase and Sale of a 8.53 acre parcel of vacant land located on Bee Line Highway north of Indiantown Road from Ramon Vilarino for \$344,151 plus closing, title insurance and recording costs estimated to be \$2,292; and
- B) a Memorandum of Agreement with Ramon Vilarino 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 Ramon Vilarino (Vilarino Parcel) is a road front parcel located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$35,000 and \$40,922 per acre value for road frontage parcels in Palm Beach Heights, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$40,346 per acre for road frontage Palm Beach Heights parcels, which is the basis of the purchase price. The Agreement allow for the County's due diligence review of the parcel within 45 days of Board approval. The County will pay title insurance policy premium, closing and recording costs estimated to be \$2,292 for the Vilarino parcel. The Environmental Resources and Management (ERM) Department will perform a pre-acquisition environmental assessment for the parcel prior to closing. A boundary survey will not be obtained for the parcel due to its environmentally sensitive and wet nature. ERM will be responsible for the administration of the parcel. All costs related to the acquisition will be paid from existing funds received from the ARPA Response Replacement Fund. **These are County ARPA Response Replacement funds that do not require a local match. This acquisition must be approved by a supermajority vote (5 Commissioners).** (Property & Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

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

2. Staff recommends motion to:

- A) **adopt** a Resolution authorizing the exchange of 1.649 acres of County-owned land in Gardens North County District Park (District Park) in Palm Beach Gardens for 1.722 acres of land owned by Florida Department of Transportation (FDOT), without charge and without reservation of phosphate, mineral, metals, and petroleum rights, pursuant to Section 125.38, Florida Statutes;
- B) **accept** a Quit Claim Deed from FDOT to Palm Beach County (County) conveying 1.722 acres of land, without charge and without reservation of phosphate, mineral, metals, and petroleum rights;
- C) **approve** a County Deed to FDOT, conveying 1.649-acres of land, without charge and without reservation of phosphate, mineral, metals and petroleum rights;
- D) **approve** a Second Amendment to Lease Agreement with the City of Palm Beach Gardens (City) modifying the legal description of the District Park to be consistent with the land exchange;
- E) **approve** an Amendment and Partial Release of Conservation Easement of 1.649 acre strip of land along the eastern portion of the Conservation Easement area modifying the legal description of the District Park to be consistent with the land exchange;
- F) **approve** a Temporary Construction Easement in favor of FDOT for the interchange lane at Military Trail South and Interstate 95; and
- G) **approve** a Subordination of Easement Interest to FDOT subordinating a portion of the easement to grant all the rights necessary to certify the right of way for the FDOT construction project.

5. REGULAR AGENDA

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

2. **SUMMARY:** FDOT desires to expand the deceleration lane off of Southbound I-95 at the Military Trail South exit. The project requires a strip of land along the eastern portion of the District Park to complete the expansion. Although the District Park property is owned by the County, it is the subject of a Lease Agreement (R2018-122) between the County and the City and a Conservation Easement (R2010-2141) in favor of the City. FDOT has requested 1.649 acres of the District Park property in exchange for 1.722 acres of FDOT property which would be incorporated into the District Park. The City approved the land swap between the County and FDOT by passing City Resolution 1, 2024. Amendment No. 2 to the Lease Agreement and the Amendment and Partial Release of Conservation Easement between the City and the County modify the legal description in both documents to release the 1.649-acre County-owned portion and add the 1.722-acre FDOT-owned portion. The District Park property is also subject to a Grant of Easements (R2000-0560) with the property owner to the north, which grant mutual rights to install utilities within the easement areas as defined in the Grant of Easements. A Subordination of Easement Interest is required for FDOT to move forward with its expansion. In addition, to begin construction, FDOT requires a Temporary Construction Easement (TCE) to tie in (sloping and grading) to the remaining District Park Property. The TCE terminates upon completion of the project or December 31, 2034, whichever is earlier and the Subordination of Easement allows the County to locate any future facilities onto public right-of-way or to construct facilities on the subordinated property subject to FDOT's review and approval. The Quit Claim Deed, the County Deed, the Amendment and Partial Release of Conservation Easement and Subordination of Easement Interest will be recorded to provide public notice of the land exchange. FDOT will execute the Subordination of Easement prior to finalizing the land exchange. Staff will complete its due diligence review of the property prior to finalizing the land exchange. There are no costs associated with the approval of this agenda item. (Property & Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

F. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET

1. Staff will present: FY 2025 Proposed Budget Presentations. **SUMMARY:** Staff will present an overview of the FY2025 Proposed Budget for several of the larger departments. Departments to be presented are:

1. Community Services
2. Engineering and Public Works
3. Facilities Development & Operations
4. Public Safety

Consolidated Budget information will be presented at the June 11, 2024 Budget Workshop. Countywide (DB)

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6. BOARD APPOINTMENTS

A. COMMUNITY SERVICES

1. Staff recommends motion to approve: the appointment of two (2) new at-large members to the Community Action Advisory Board (CAAB), for the term of May 14, 2024 to September 30, 2026, to fill the vacancies for two (2) public sector seats, Seat #2 and Seat #5.

<u>Nominees</u>	<u>Nominated By</u>
Angela Burns or	Mayor Sachs
Alexandria Ayala or	Commissioner Barnett
Albert D. Leslie or	Commissioner Weiss
Jon Maples	Commissioner Barnett Commissioner Baxter

SUMMARY: The Community Services Block Grant (CSBG) agreement requires the establishment of a CAAB and that CAAB participate in the planning, implementation, and evaluation of CSBG programs to serve low-income communities. Community Action Agencies (CAA) were created in the Economic Opportunity Act of 1964 on the premise that local citizens were the most knowledgeable and best equipped to address problems of poverty in their communities. Each CAA is governed by a board of directors consisting of at least one-third low-income community members, one-third public officials, and up to one-third private sector leaders. This board structure is defined by federal statute and is known as a tripartite board. Florida Department of Commerce is the primary conduit to receive and disperse these federal funds to the local agency. The Agency provides services, assistance, and other activities of sufficient scope and size to give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn, and work to low-income individuals and families throughout Palm Beach County. Per Resolution No. R2018-0372, adopted April 10, 2018, amending Resolution R2014-0588. These candidates meet all applicable guidelines and requirements outlined in the resolution. The diversity count for the 12 seats that are currently filled is African-American: 8 (66%); Caucasian: 3 (25%); and Hispanic-American: 1 (9%). The gender ratio (female: male) is 7:5. Ms. Burns is an African-American female; Ms. Ayala is a Hispanic-American female; Mr. Leslie is a Caucasian male; and Mr. Maples is an African-American male. Staff is addressing the need to increase diversity within our Board and will continue to encourage this to expand this board's diversity. (Community Action Program) Countywide (HH)

MAY 14, 2024

6. BOARD APPOINTMENTS

B. COMMISSION DISTRICT APPOINTMENTS

* * * * *

MAY 14, 2024

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 14, 2024

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

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9. ADJOURNMENT

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