

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 03/25/20**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on March 25, 2020 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1) ROLL CALL

There were present Board President Matthew J. Boykin and Supervisors L. Marc Cohn and Gregory Block; Executive Director O'Neal Bardin, Jr.; District Engineer Robert W. Lawson of Arcadis and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Supervisor John. P. Cohen and Lara Donlon of Torcivia, Donlon, et al. participated via conference call.

Also present were Deputy Director Dan Beatty; Finance Director Katie Roundtree; and Executive Assistant Susan Scheff.

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced that a quorum was present and that it was in order to consider any business to properly come before the Board.

3) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Bardin reported that that no additions or deletions to the Agenda were necessary.

4) APPROVAL OF MINUTES

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the Minutes of the February 26, 2020 Regular Meeting.

5) COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Boykin called for any comments from the public for items not on the Agenda to which there was no response.

At this time, Mr. Boykin recognized Lara Donlon, Northern's Employment /Labor Counsel, to provide a brief update on the new Families First Coronavirus Response Act. A handout of Ms. Donlon's summary of this Act was provided to those in attendance at the meeting. Ms. Donlon noted that the new Act will go into effect on April 2, 2020, and briefly reviewed the details applicable to Northern and its employees. She noted that these new provisions will expire at the end of this calendar year.

This item was for information only and no Board action was required.

Ms. Donlon left the meeting at this time.

6) CONSENT AGENDA

A **motion** was made by Mr. Block, seconded by Mr. Cohen and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 2C – Alton
 - i) Consider Change Order to Arazoza Brothers Corporation (CO No. 5)
 - ii) Consider Purchase Order to Future Horizons

- b) Unit No. 53 – Arden
 - i) Consider Bill of Sale and No Lien Affidavit for Pod C-North
 - ii) Consider Bill of Sale and No Lien Affidavit for Pod E-South
 - iii) Consider Partial Releases of Blanket Water Management Easement (2)
 - iv) Consider Special Warranty Deed

- c) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) MULTI-UNIT

Consider Purchase Orders to Construction Technology (3)

Mr. Beatty stated that this item is for three separate Purchase Orders for three separate Units of Development. He explained that quotes were solicited from three of Northern's annual contractors for the proposed work, and the sole bid received was from Construction Technology, Inc. He further explained that the projects are for the replacement of above ground fuel storage tanks for the backup generators located at the Unit 18 Ibis East and West Pump Stations, Unit 21 Old Marsh Pump Station and Unit 5D Andros Isle Pump Station. Mr. Beatty stated that the amounts of the Purchase Orders are \$133,070.00 for Unit No. 18; \$60,670.00 for Unit No. 21 and \$63,390.00 for Unit 5D, and Staff recommends approval.

Mr. Edwards stated that approval of the Purchase Orders will be subject to the contractor's provision of a Payment and Performance Bond.

Mr. Beatty confirmed that the contractor has been advised that a Payment and Performance Bond will be required and an internal Change Order will be prepared to reflect same.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving Purchase Order Nos. 20-328, 20-329 and 20-330 to Construction Technology, Inc. in the amount of \$133,070.00; \$60,670.00 and \$63,390.00 respectively, as presented.

b) UNIT OF DEVELOPMENT NO. 2C – ALTON

i) Status Report

Mr. Beatty gave a verbal status report of this project, noting that there were no significant changes to the physical improvements shown during the last Board Meeting. He explained that all of the projects are going well, and Northern's contractors have not advised Staff of any suspension of work. Mr. Beatty stated that the public park is nearly completed, but he believes the park will be subject to either closure or some type of

quarantine once it is completed, depending upon where things stand with the COVID-19 issue.

Mr. Beatty noted that there will be other items on the agenda related to these improvements, and there was nothing further to report.

This item was presented for information only and no Board action was required.

ii) Consider Fourth Amendment to Maintenance Agreement

Mr. Beatty stated that this item is an amendment to the High Level Maintenance Agreement which will establish the maintenance obligations of the Alton Property Owners Association (POA) for the public park.

Mr. Boykin asked and Mr. Beatty confirmed that the POA will be responsible for the park maintenance.

Mr. Beatty stated that it is appropriate to have this Amendment in place prior to completion of the park's improvements.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the Fourth Amendment to the Maintenance Agreement.

iii) Consider Alton Park Operating Agreement

Mr. Beatty stated that this item is related to the previous agenda item, noting that this Agreement sets forth the terms and operating conditions for the park. He explained that the Agreement addresses the appropriate level of insurance and liability coverage as well as operating protocol. He further explained that the POA will be providing Northern with a Park Operation Manual which will be included as part of this Agreement.

Mr. Bardin stated that Staff is asking for Board approval of this Operating Agreement, subject to receipt of the Park Operation Manual from the POA.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the Alton Park Operating Agreement, subject to receipt of the Park Operation Manual from the Alton Property Owners Association, as presented.

iv) Consider Purchase Order to J.W. Cheatham, LLC

Mr. Beatty stated that, as was previously discussed during an earlier Board Meeting, there was a right-of-way fence associated with the buffer wall construction adjacent to I-95. He reviewed with the Board that replacement of the fencing in this area was originally included in Cheatham's contract, but it was removed via Change Order in order to close out the contract. Mr. Beatty reported that he and Mr. Lawson worked diligently with the Florida Department of Transportation (FDOT) to eliminate that requirement, but they were unsuccessful.

Mr. Beatty stated that J.W. Cheatham was the wall contractor and previously agreed to hold the same per linear foot price on the fence that was in the original wall construction contract. He explained, however, that the proposal includes \$6,336.00 in additional costs due to unforeseen wet conditions and the need to install longer fence posts.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving Purchase Order No. 20-369 in the amount of \$118,336.00 to J.W. Cheatham, LLC.

**c) UNIT OF DEVELOPMENT NO. 14 - EASTPOINTE
Consider Landowner Request for Consent to Site Plan Approval for Golf Maintenance Facility Building**

Mr. Beatty explained that the Board previously approved Northern entering into an Agreement to convey a piece of property to Eastpointe Country Club in consideration of a modern, piped drainage system once their redevelopment plan is constructed. He stated that, in order to proceed with their plans,

Eastpointe must apply for Site Plan Approval for a Golf Maintenance Building. He further stated that this Site Plan Approval requires the execution of a Palm Beach County Consent Form by Northern as the Landowner, and Staff is asking the Board for approval of the Consent Form.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the modified Consent Form, as presented.

Mr. Boykin stated that, at the end of this meeting, he would like to address the possible need to make technology accommodations for upcoming meetings. Mr. Bardin advised that Mr. Edwards will be addressing that issue under his report.

**d) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE
Consider Purchase Order to J.W. Cheatham, LLC**

Mr. Beatty explained that this item is related to Northern's ongoing roadway maintenance program and is included in the five-year capital improvement plan for the milling and resurfacing of a portion of Corporate Way North. He stated that this project was informally bid to six of Northern's General Service Contractors for quotation and five bids were received. Mr. Beatty reported J.W. Cheatham, LLC was the low bidder in the amount of \$297,572.97.

Mr. Beatty stated that Staff is recommending approval of a Purchase Order to J.W. Cheatham, LLC with the condition that a Change Order be issued requiring a Payment and Performance Bond, similar to what the Board approved earlier in the agenda.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the referenced Purchase Order No. 20-331 to J.W. Cheatham, LLC in the amount of \$297,572.97, as presented.

**e) UNIT OF DEVELOPMENT NO. 21 – OLD MARSH
Consider Purchase Order to Mock Roos & Associates, Inc.**

Mr. Beatty explained that Northern has two stormwater pump stations in Old Marsh, each with a single pump, and this project involves the installation of an additional backup pump at each station. He noted that the existing wet wells are large enough to accommodate the additional pump.

Mr. Beatty stated that Mock Roos & Associates is one of Northern's project engineers and was the design engineer for the original project and is familiar with the facilities. He further stated that they have provided a proposal, and Staff is recommending a Purchase Order in the amount of \$38,010.00 for the design and bidding of the proposed pump station modifications.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the referenced Purchase Order No. 20-372 to Mock Roos & Associates, Inc. in the amount of \$38,010.00.

**f) UNIT OF DEVELOPMENT NO. 31 – BALLENISLES COUNTRY CLUB
Consider First Amendments to Temporary License Agreements (2)**

Mr. Beatty explained that last year Northern executed two Temporary License Agreements, one with the BallenIsles Country Club and one with the BallenIsles Community Association, for the first phase of the roadway milling and resurfacing project. He stated that the purpose of the Agreements were for the contractor's use of the property and storage of equipment, and these Amendments extend the Agreements to allow Northern's contractor to continue to use the area for the next phase of the project.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving the First Amendments to the Temporary License Agreements.

g) UNIT OF DEVELOPMENT NO. 53 – ARDEN

i) Status Report

Mr. Beatty gave a verbal status report of this project, noting that there were no significant changes to the physical improvement shown during the last Board Meeting. He explained that all of the projects are going well, and the Pod projects that have been previously bid are currently on schedule. He reported that Northern's contractors have not advised Staff of any suspension of work.

This item was presented for information only and no Board action was required.

ii) Consider Award of Contract to Brightview Landscape Development, Inc.

Mr. Beatty explained that this project is for the second phase of the Linear Park. He stated that the project was publicly bid and two bids were received. He reported that the low bidder was Brightview Landscaping Development, Inc. in the amount of \$287,693.03 for the base bid and \$48,393.66 for Alternate 1. Mr. Beatty noted that Brightview was the contractor for the first phase of this project and Staff has been very pleased with their performance. He added that the total contract amount will be \$336,086.69 and Staff recommends award to Brightview Landscaping Development, Inc.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed approving Purchase Order No. 20-373 in the total amount of \$336,086.69 for the base bid and Alternate 1 to Brightview Landscaping Development, Inc.

h) GENERAL

Consider Resolution Authorizing Emergency Waiver of Specified Procedures and Formalities (2020-04)

Mr. Edwards explained that this Resolution is based on the Governor's Executive Order entered March 9, 2020. He further explained that this Executive Order is similar to what the Governor has done

in the event of a hurricane by implementing the waiver of various policies and procedures which have also been listed in this Resolution.

Mr. Edwards stated that, while the Executive Order remains in effect for 60 days, Northern's Resolution can only remain in effect for seven days, so the Resolution includes language authorizing the President and/or Vice-President to issue weekly extensions of the Resolution. He briefly reviewed the renewal process and reported that the Resolution also authorizes the Executive Director, his designees and the Board Members to take actions with regard to implementation of the Resolution.

Mr. Boykin had additional questions with regard to how to handle future Board Meetings without requiring that a quorum be physically present.

Mr. Edwards advised that the Governor had subsequently issued another Executive Order to waive the requirements that local governments have to have a quorum physically present. He further advised that there was some uncertainty as to whether that Executive Order included Special Districts. He stated that the current general legal view is that local governments should adopt a Resolution setting forth how public meetings will be held without a physical quorum and still include public comment.

Mr. Boykin suggested that the Board authorize Staff to develop a procedure on how to handle future meetings via technology and authorize Mr. Edwards to prepare a Resolution setting forth same.

Mr. Bardin asked that Board adopt Resolution No. 2020-04 currently before them for consideration before moving forward with the supplemental Resolution being discussed.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed adopting Resolution No. 2020-04, as presented.

Mr. Edwards then advised that the Board can currently adopt a Resolution, which can be then be reduced to writing and signed at a later date authorizing Staff to provide a methodology and procedure for electronic meetings with provision to the public of the means for meeting access and public comment.

Mr. Edwards also explained that he had originally planned for this meeting to be recessed in order to come back at a later date to discuss this matter.

There was further discussion that this meeting may be recessed, but the Resolution can move forward and be signed without an additional meeting being held.

Mr. Block expressed his concern that there not be a perception of waiving Government in the Sunshine, and Mr. Edwards advised that it is for that reason that Staff is going through this process to document how the Board will proceed. He briefly reviewed the fines involved for violations of Government in the Sunshine laws, and stressed that Northern will follow the steps that are believed to be reasonable and appropriate based upon the advice of its legal counsel.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and unanimously passed adopting the Resolution (No. 2020-05), as discussed.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Mr. Lawson had nothing to report.

b) ATTORNEY

Mr. Edwards reported that 2019 Form 1 Statements are now available, noting that the deadline for filing is July 1, 2020 and fines begin to accrue if not filed by September 1, 2020. He provided copies to the Board Members present and will scan and send them those members not present.

Mr. Edwards also reported that the Florida Legislative Session has concluded. He stated that there were a couple of items relating to Special Districts that he will bring to the Board at a future meeting, noting that the law requiring the posting of Board materials has been modified to require the posting of only the agenda, pending approval by the Governor.

c) EXECUTIVE DIRECTOR

Mr. Bardin advised the Board that Northern's Administrative Building and Emergency Operations Center will be closed to the public following this Board Meeting noting that some Staff will be working in the office, some will be working from home and some will be working in the field. Mr. Bardin also reported that proper signage will be posted and bins will be placed outside the front doors for deliveries and Staff will retrieve those items throughout the day.

Mr. Bardin also gave a brief, preliminary report on a meeting/conference call for Unit 53 that will be taking place following the Board Meeting to discuss a conceptual zoning change possibly allowing for some additional development that was not in the original County approved site plan.

Mr. Bardin explained that the financial impacts of the expanded Family Medical Leave Act have been evaluated by the Finance Department, and Northern should have sufficient reserves to cover these costs, if needed.

The Community Information Report is included in the Board materials for review.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status as of March 17, 2020, along with U53 - Email re: Payment of Assessments;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

10) COMMENTS FROM THE BOARD


Mr. Block spoke on behalf of the Board to congratulate everyone for the precautions that have been taken in preparation for this Board Meeting and also with the Staff in order to keep everyone safe, and Mr. Cohn concurred.

11) RECESS

There being no further business to come before the Board, the meeting was recessed until reconvened meeting to be held on April 1, 2020 at 8:00 a.m., if necessary. If not needed, the meeting will be adjourned on that date.



President



Assistant Secretary