



**MINUTES**  
**VILLAGE HALL - COUNCIL CHAMBERS**  
**226 CYPRESS LANE VILLAGE OF PALM SPRINGS, FLORIDA**  
**NOVEMBER 10, 2022 AT 6:30 PM**

**CALL TO ORDER**

Mayor Bev Smith called the Village Council Regular Meeting to order at 6:43 PM (Immediately following the LPA Meeting).

**ROLL CALL**

Present: Vice-Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, Council Member Gary Ready, Village Attorney Glen Torcivia, Village Manager Michael Bornstein, and Village Clerk Kimberly Wynn

Absent: Council Member Patti Waller

Also Present: Village Clerk Kimberly Wynn, Assistant Village Manager Kim Glas-Castro, Police Chief Tom Ceccarelli, as Sergeant-in-Arms, Assistant Utilities Director Paul Ward, and Utilities Director Dr. Jimmy Johnson.

**INVOCATION**

The Village Manager, Michael Bornstein, led the Invocation.

**PLEDGE OF ALLEGIANCE**

The Council led in the Pledge of Allegiance.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mr. Bornstein noted no additions or deletions; however, updated information is available for Item #25 (SEIU Agreement - Reopener Amendments ). He explained that because of the Tropical Storm/Hurricane Nicole, the SEIU vote scheduled to take place on Wednesday, November 9, 2022, was postponed. However, he wanted to move forward. Therefore, if SEIU fails to pass the vote, staff will bring back to the Council.

Council Member Ready made a motion to approve the agenda. Vice-Mayor Gunther seconded the motion. The motion carried 4-0.

**CONSENT AGENDA**

**1. First Amendment to the Agreement for Professional Services - Federal Terms & Conditions Chen Moore & Associates, Inc.:** Motion to approve First Amendment to the Agreement for Professional Services with Chen Moore & Associates, Inc., to add terms and conditions required when federal funds are being expended on a project. There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff requests approval of a First Amendment to Agreement for Professional Services with Chen Moore & Associates, Inc. to add terms and conditions required when federal funds are used.

Chen Moore & Associates, Inc. is authorized to provide engineering design services for the Davis Rd Stormwater Improvements project - Task Order 291 - funded with American Rescue Plan Act (ARPA) dollars. The federal terms and conditions in the proposed Amendment must be included in all agreements/contracts using ARPA funds.

**Note:** On September 27, 2018, the Village issued a Request for Qualifications (RFQ) for General Consulting Services - Continuing Contracts Services (RFQ 2019R-001) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on April 4, 2019, the Village selected eight (8) firms to provide professional engineering, architecture, planning, and surveying services related to roadways, stormwater, parks, facilities, and master plans:

- Chen Moore & Associates, Inc.
- Corradino Group, Inc.
- Craven Thompson & Associates, Inc.
- DRMP, Inc.
- Erdman Anthony of Florida, Inc.
- RJ Behar & Company, Inc.
- Simmons & White, Inc.
- Wantman Group, Inc.

The initial five-year term will expire in April 2024, and each agreement will be eligible for three (3) one-year renewals.

The Village Attorney prepared the proposed First Amendment and reviewed it with the Assistant Village Manager and Project Manager.

**Fiscal Impact:** There is no fiscal impact. The language in this amendment is required

for the Village to utilize federal funding.

**2. First Amendment to the Agreement for Professional Services - Federal Terms & Conditions RJ Behar & Company, Inc.:** Motion to approve a First Amendment to the Professional Services Agreement with RJ Behar & Company, Inc. to add terms and conditions required when federal funds like the American Rescue Plan Act (ARPA) are being expended on a project. There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff requests approval of a First Amendment to Agreement for Professional Services with RJ Behar & Company, Inc. to add terms and conditions required when federal funds are being expended on a project.

RJ Behar & Company, Inc. has been authorized as one of the firms to provide engineering design services on future projects eligible to be funded with American Rescue Plan Act (ARPA) dollars. All agreements/contracts for which ARPA funds will be utilized must include the federal terms and conditions presented in the proposed Amendment.

**Note:** On September 27, 2018, the Village issued a Request for Qualifications (RFQ) for General Consulting Services - Continuing Contracts Services (RFQ 2019R-001) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

On April 4, 2019, the Village selected eight (8) firms to provide professional engineering, architecture, planning, and surveying services related to roadways, stormwater, parks, facilities, and master plans:

- Chen Moore & Associates, Inc.
- Corradino Group, Inc.
- Craven Thompson & Associates, Inc.
- DRMP, Inc.
- Erdman Anthony of Florida, Inc.
- RJ Behar & Company, Inc.
- Simmons & White, Inc.
- Wantman Group, Inc.

The initial five-year term will expire in April 2024, and each agreement will be eligible for three (3) one-year renewals.

The Assistant Village Manager and Project Manager reviewed the proposed First Amendment prepared by the Village Attorney.

**Fiscal Impact:** There is no fiscal impact. The language in this amendment is required

for the Village to utilize federal funding.

3. **First Amendment to the Construction Services Agreement - Federal Terms & Conditions - Hinterland Group, Inc.:** Motion to approve a First Amendment to the Construction Services Agreement with Hinterland Group to add federal terms and conditions to the agreement as required if and when federal funds are used. Hinterland Group, Inc. uses American Rescue Plans Act Funds for the Gulfstream Road Stormwater Improvement project (Task Order 277). The First Amendment to the Construction Services Agreement does not have a fiscal impact on the Village. This request has no fiscal impact on the Village.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff is requesting approval of a First Amendment to Agreement for Construction Services with Hinterland Group, Inc. to add terms and conditions required when federal funds are being expended on a project.

Hinterland Group, Inc. has been authorized to provide construction services for the Gulfstream Road Stormwater Improvements project - Task Order 277 - which is funded with American Rescue Plan Act (ARPA) dollars. All agreements/contracts for which ARPA funds will be utilized must include the federal terms and conditions presented in the proposed Amendment.

**Note:** On December 9, 2021, the Village issued an Invitation to Bid (ITB 2022B-004) for the installation of a new drainage pipe along Gulfstream Road between Lake Worth Road and Lakewood Road and between the L-11 Canal and 10th Avenue North. This process was completed by the Village through a competitive selection process - Gulfstream Road Stormwater Improvements (ITB No. 2022B-004 - December 9, 2021).

As a result, on March 10, 2022, the Village awarded a contract to the Hinterland Group, Inc. for stormwater improvements along Gulfstream Road.

The proposed First Amendment was prepared by the Village Attorney and reviewed by the Assistant Village Manager and Project Manager.

**Fiscal Impact:** There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

4. **First Amendment to the Agreement for Professional Services - Federal Terms & Conditions Craven Thompson & Associates, Inc.:** Motion to approve a First Amendment to the Agreement for Professional Services with Craven Thompson & Associates, Inc., to add terms and conditions required when federal funds such as the American Rescue Plan Act (ARPA) are being expended on a project. There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff requests approval of a First Amendment to Agreement for Professional Services with Craven Thompson & Associates, Inc. to add terms and conditions required when federal funds are being expended on a project.

Craven Thompson & Associates, Inc. has been authorized to provide engineering design services for the Gulfstream Rd Stormwater Improvements project - Task Order 277 - which is funded with American Rescue Plan Act (ARPA) dollars. All agreements/contracts for which ARPA funds will be utilized must include the federal terms and conditions presented in the proposed Amendment.

**Note:** On September 27, 2018, the Village issued a Request for Qualifications (RFQ) for General Consulting Services - Continuing Contracts Services (RFQ 2019R-001) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on April 4, 2019, the Village selected Eight (8) firms to provide professional engineering, architecture, planning, and surveying services related to roadways, stormwater, parks, facilities, and master plans:

- Chen Moore & Associates, Inc.
- Corradino Group, Inc.
- Craven Thompson & Associates, Inc.
- DRMP, Inc.
- Erdman Anthony of Florida, Inc.
- RJ Behar & Company, Inc.
- Simmons & White, Inc.
- Wantman Group, Inc.

The initial five-year term will expire in April 2024, and each agreement will be eligible for three (3) one-year renewals.

The proposed First Amendment was prepared by the Village Attorney and reviewed by the Assistant Village Manager and Project Manager.

**Fiscal Impact:** There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

**5. First Amendment to the Agreement for Professional Services - Federal Terms & Conditions DRMP, Inc.:** Motion to approve a First Amendment to Agreement for Professional Services with DRMP, Inc. to add terms and conditions required when federal funds are being expended on a project. DRMP, Inc. has been authorized to provide engineering design services for the Lakewood Road

West of Kirk Stormwater Improvements project - Task Order 293 - funded with American Rescue Plan Act (ARPA) dollars. There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff is requesting approval of a First Amendment to Agreement for Professional Services with DRMP, Inc. in order to add terms and conditions required when federal funds are being expended on a project.

DRMP, Inc. has been authorized to provide engineering design services for the Lakewood Road West of Kirk Stormwater Improvements project - Task Order 293, which is funded with American Rescue Plan Act (ARPA) dollars. All agreements/contracts for which ARPA funds will be utilized must include the federal terms and conditions presented in the proposed Amendment.

**Note:** On September 27, 2018, the Village issued a Request for Qualifications (RFQ) for General Consulting Services - Continuing Contracts Services (RFQ 2019R-001) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on April 4, 2019, the Village selected eight (8) firms to provide professional engineering, architecture, planning, and surveying services related to roadways, stormwater, parks, facilities, and master plans:

- Chen Moore & Associates, Inc.
- Corradino Group, Inc.
- Craven Thompson & Associates, Inc.
- DRMP, Inc.
- Erdman Anthony of Florida, Inc.
- RJ Behar & Company, Inc.
- Simmons & White, Inc.
- Wantman Group, Inc.

The initial five-year term will expire in April 2024, and each agreement will be eligible for three (3) one-year renewals.

The proposed First Amendment was prepared by the Village Attorney and reviewed by the Assistant Village Manager and Project Manager.

**Fiscal Impact:** There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

6. **Second Amendment to a Professional Services Agreement - Federal Terms & Conditions - Eckler Engineering:** A motion to approve an amendment to Eckler Engineering's Professional Services Agreement containing additional

terms and conditions requiring the expenditure of federal funds. This request does not have a fiscal impact on the Village; however, the vendor needs permits from the Village for federally funded projects.

Staff: Kimberly Glas-Castro, Assistant Village Manager

**SUMMARY:** Village Staff requests approval of a Second Amendment to the Agreement for Professional Services with Eckler Engineering in order to add terms and conditions required when federal funds are being expended on a project.

Eckler Engineering has been authorized to provide engineering design/construction oversight services for the Congress Avenue Sanitary Sewer Project - Task Order 305 - funded with American Rescue Plan Act (ARPA) dollars. Every agreement and contract must include federal terms and conditions when ARPA funds are utilized.

**Note:** On March 15, 2018, the Village issued a Request for Qualifications (RFQ) for Professional Engineering, Architectural, and Surveying Consulting Services (RFQ 2018R-002) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

On June 14, 2018, the Village selected three (3) firms to provide design and construction management services for water and wastewater:

- Eckler Engineering, Inc.
- Holtz Consulting Engineers
- Kimley-Horn & Associates

On December 13, 2018, the First Amendment to each Professional Services Agreement was approved to include standard indemnification language.

The initial five-year term will expire in September 2023, and each agreement will be eligible for three (3) one-year renewals.

The Village Attorney prepared the proposed Second Amendment and reviewed it with the Assistant Village Manager and Project Manager.

**Fiscal Impact:** The proposed request does not have a fiscal impact on the Village. Permits the Village to utilize this vendor for federally funded projects.

7. **Second Amendment to the Agreement for Professional Services - Federal Terms & Conditions - Wantman Group, Inc.:** Approval of a Second Amendment to Agreement for Professional Services with Wantman Group, Inc., to add terms and conditions required when federal funds are being expended on a project. This request does not have a fiscal impact on the Village.

Staff: Walter Sanchez, Project Manager

**SUMMARY:** Village Staff requests approval of the Second Amendment to the Agreement for Professional Services with Wantman Group, Inc. to include federal funding conditions.

Wantman Group, Inc. has been authorized as one of the firms to provide engineering design services on future projects eligible to be funded with American Rescue Plan Act (ARPA) dollars. All agreements/contracts for which ARPA funds will be utilized must include the federal terms and conditions presented in the proposed Amendment.

**Note:** On September 27, 2018, the Village issued a Request for Qualifications (RFQ) for General Consulting Services - Continuing Contracts Services (RFQ 2019R-001) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on April 4, 2019, the Village selected eight (8) firms to provide professional engineering, architecture, planning, and surveying services related to roadways, stormwater, parks, facilities, and master plans:

- Chen Moore & Associates, Inc.
- Corradino Group, Inc.
- Craven Thompson & Associates, Inc.
- DRMP, Inc.
- Erdman Anthony of Florida, Inc.
- RJ Behar & Company, Inc.
- Simmons & White, Inc.
- Wantman Group, Inc.

The initial five-year term will expire in April 2024, and each agreement will be eligible for three (3) one-year renewals.

On July 25, 2019, Wantman Group approved an amendment to its Professional Services Agreement, adding a Senior GIS Analyst to the rate schedule and modifying the position description.

The Assistant Village Manager and Project Manager reviewed the proposed Second Amendment prepared by the Village Attorney.

Fiscal Impact: There is no fiscal impact. The language in this amendment is required for the Village to utilize federal funding.

8. **Second Amendment to a Professional Services Agreement - Federal Terms & Conditions - Holtz Consulting Engineers, Inc.:** Motion to approve a Second Amendment to the Agreement for Professional Services with Holtz Consulting

Engineers to add terms and conditions required when federal funds are being expended on a project. The proposed request does not have a fiscal impact on the Village; however, it allows the Village to use this vendor for federally funded projects.

Staff: Kimberly Glas-Castro, Assistant Village Manager

**SUMMARY:** Village Staff requests approval of a Second Amendment to the Agreement for Professional Services with Holtz Consulting Engineers in order to add terms and conditions required when federal funds are being expended on a project. Holtz Consulting Engineers has been authorized to provide engineering design services for the Congress Avenue Sanitary Sewer Project - Task Order 305 - funded with American Rescue Plan Act (ARPA) dollars. Every agreement and contract must include federal terms and conditions when ARPA funds are utilized.

**Note:** On March 15, 2018, the Village issued a Request for Qualifications (RFQ) for Professional Engineering, Architectural, and Surveying Consulting Services (RFQ 2018R-002) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

On June 14, 2018, the Village selected three (3) firms to provide design and construction management services for water and wastewater:

- Eckler Engineering, Inc.
- Holtz Consulting Engineers, Inc.
- Kimley-Horn & Associates

On December 13, 2018, Council approved the First Amendment to the Professional Services Agreement to include standard indemnification language.

The initial five-year term will expire in September 2023, and each agreement will be eligible for three (3) one-year renewals.

The Village Attorney prepared a proposed Second Amendment and reviewed it with the Assistant Village Manager and Project Manager.

**Fiscal Impact:** The proposed request does not have a fiscal impact on the Village. It allows the Village to use this vendor for federally funded projects.

9. **Fourth Amendment to the Agreement for Professional Services - Federal Terms & Conditions and Time Extension - Engenuity Group, Inc.:** Motion to approve a Fourth Amendment to the Agreement for Professional Services with Engenuity Group, Inc., to include federal terms and conditions required when ARPA funds are used or expended on a project. In addition, it extends the

agreement to an additional final one (1) year term that expires on March 11, 2024. Engenuity Group provides engineering design and construction oversight services for the Lakewood Road (East) Stormwater Project - Task Order 249. The request does not have a fiscal impact on the Village.

Staff: Kimberly Glas-Castro, Assistant Village Manager

**SUMMARY:** Village Staff requests approval of a Fourth Amendment to the Agreement for Professional Services with Engenuity Group, Inc., to add terms and conditions required when federal funds are being expended on a project. Also, because the current agreement expires in less than six months, staff recommends extending the contract for a third and final one (1) year term.

Engenuity Group is authorized to provide engineering design and construction oversight services for the Lakewood Road (East) Stormwater Project - Task Order 249, which is funded with funds obtained under the American Rescue Plan Act (ARPA). Every agreement and contract must include federal terms and conditions when ARPA funds are utilized. The proposed 4th Amendment also consists of an Agreement extension, which would otherwise expire on March 24, 2023.

On December 16, 2015, the Village issued a Request for Qualifications (RFQ) for Professional Engineering, Architectural, and Surveying Consulting Services (RFQ 2016-002) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on March 10, 2016, the Village selected four (4) firms to provide design and construction management services for water, wastewater, infrastructure facilities, general engineering services, plat, and plan review services, and building design/review services:

- Keshavarz & Associates
- Calvin Giordano & Associates, Inc.
- Engenuity Group, Inc.
- Eckler Engineering, Inc.

In order to specify the terms and fees of the Professional Services Agreement, the first amendment was approved on May 12, 2016. It clarified the agreement to proceed with RFQ No. 2016-002 for a five (5) year term with the option of three (3) one-year extensions.

The initial five-year term expired in 2021, and the Second Amendment to the Agreement was approved on March 11, 2021, to provide the first (1) year renewal in consideration of the ongoing Task Orders that we have with each firm, and on February 10, 2022, the Third Amendment to the Agreement was approved for the second, one (1) year renewal.

The proposed Fourth Amendment for Engenuity Group proposes the final one-year term, and if approved would extend the Agreement until March 11, 2024.

The proposed Fourth Amendment was prepared by the Village Attorney and reviewed by the Assistant Village Manager and Project Manager.

Fiscal Impact: The proposed request does not have a fiscal impact on the Village.

**10. Fourth Amendment to the Agreement for Professional Services - Federal Terms & Conditions and Time Extension - Keshavarz & Associates, Inc.:**

Motion to approve a Fourth Amendment to the Agreement for Professional Services with Keshavarz & Associates, Inc., to provide general engineering design and construction oversight services for the Village for the Lake Worth Road Stormwater Project - Task Order 298. The Fourth Amendment to the Agreement for Professional Services will include federal terms and conditions required when ARPA funds are used or expended on a project. In addition, it extends the agreement for an additional and final one (1) year term that expires on March 11, 2024. The request does not have a fiscal impact on the Village.

Staff: Kimberly Glas-Castro, Assistant Village Manager

**SUMMARY:** Village Staff requests approval of a Fourth Amendment to the Agreement for Professional Services with Keshavarz & Associates, Inc., to add terms and conditions required when federal funds are being expended on a project. Also, because the term of the current Agreement expires in less than 6 months, staff recommends extending the Agreement for a third and final one (1) year term at this time.

As part of FDOT's Resurfacing Project, funded with funds obtained under the American Rescue Plan Act (ARPA), Keshavarz & Associates, Inc. is authorized to provide engineering design/consulting services for the Lake Worth Road Stormwater Project - Task Order 298. Every agreement and contract must include federal terms and conditions when ARPA funds are utilized. The proposed 4th Amendment also consists of an Agreement extension, which would otherwise expire on March 24, 2023.

**Note:** On December 16, 2015, the Village issued a Request for Qualifications (RFQ) for Professional Engineering, Architectural, and Surveying Consulting Services (RFQ 2016-002) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

On March 10, 2016, the Village selected four (4) firms to provide design and construction management services for water, wastewater, infrastructure facilities,

general engineering services, plat, and plan review services, and building design/review services:

- Keshavarz & Associates
- Calvin Giordano & Associates, Inc.
- Engenuity Group, Inc.
- Eckler Engineering, Inc.

On May 12, 2016, Council approved the First Amendment to the Professional Services Agreement to clarify the terms and fees for the proposed engineering firms. The time of the Agreement coincided with RFQ No. 2016-002, which outlined an initial term of five (5) years followed by the option to renew for three (3) one-year periods, subject to approval by both parties.

After the initial five-year term expired in 2021, Council approved the Second Amendment to the Agreement on March 11, 2021, which provided a first (1) year extension in consideration of the ongoing Task Orders we have with each firm. For the second, one (1) year renewal, Council approved a Third Amendment to the Agreement on February 10, 2022.

The proposed Fourth Amendment to Keshavarz & Associates, Inc. offers the final one-year term and, if approved, would extend the Agreement until March 24, 2024.

The Village Attorney prepared the proposed Fourth Amendment and reviewed it with the Assistant Village Manager and Project Manager.

Fiscal Impact: The proposed request does not have a fiscal impact on the Village.

11. **Equipment Purchase and Installation – Piggyback (Broward County Sheriff’s Office Contract RFP No. 18006AG – Emergency Equipment for Law Enforcement Vehicles – May 8, 2018) - Police Department (FY 2023 Budget Funded) - Strobes R Us:** Authorize the Police Department to piggyback the Broward County Sheriff’s Office Contract that was completed through a competitive selection process (RFP No. 18006AG – Emergency Equipment for Law Enforcement Vehicles – May 8, 2018) to purchase emergency equipment for eight (8) law enforcement vehicles (five marked police vehicles and three unmarked), along with the associated graphics in the amount of \$65,268.48 from Strobes-R-Us. Funds to support this proposed purchase are available within the FY 2023 Approved Budget - Vehicles - General Fund.

Staff: Edgar Morley, Support Services Manager

**SUMMARY:** The Police Department needs to purchase and install equipment for its newly purchased vehicles to support the public safety services and activities that our Police Officers provide. To ensure the lowest possible price, the staff recommends that the Village piggyback off the current Broward County Sheriff's Office contract awarded to Strobes-R-Us.

Broward County Sheriff's Office selected this vendor through a competitive selection process – Emergency Equipment for Law Enforcement Vehicles – (RFP No. 18006AG – May 8, 2018). Within the FY 2023 budget, the Village Council approved \$315,000 to purchase eight (8) police vehicles: (five marked police vehicles and three unmarked vehicles) with the associated graphics and equipment. Through the Broward County Sheriff's Office bid, the Police Department was able to obtain a price of \$65,268.48 to purchase the necessary emergency equipment and lighting to outfit the following vehicles:

- Five (5) 2023 Chevrolet Tahoe marked patrol vehicles \$56,809.35
- Three (3) 2023 unmarked vehicles \$8,459.13

As part of the Broward County Sheriff's Office Invitation to Bid/RFP No. 18006AG (Accordance with Strobes-R-Us, Inc., and Sheriff Israel for Emergency Equipment for Vehicles for Broward Sheriff's Office), all terms, conditions, and pricing would be accepted by the Village if approved. The contract expires on May 9, 2023. A complete copy of BSO's executed contract is on file at the Clerk's Office.

The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

As stated in Section 58-9 of the Village's Purchasing Code - Accessing contracts from other government agencies, goods, and services from any state contract, Florida political subdivision contract, or government contract (other than the federal government) may be used in awarding the Village a contract. They provide that the same or substantially similar goods and services are competitively solicited.

**Fiscal Impact:** Funds to support this proposed purchase are available within the FY 2023 Budget - General Fund Allocated/Estimated Project Funding: Amount FY 2023 Approved Budget - Vehicles - General Fund

\$315,000 FY 2023 the total vehicle equipment costs will be \$65,268.48 for the purchase of emergency safety/lighting equipment for eight (8) vehicles: five (5) marked and three (3) unmarked vehicles. The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

## **12. Change Order No. 1 - SCADA System Upgrades Main Water Treatment Plant**

**(Task Order No. 227) - Utilities Department (FY 2023 Budget Funded - Water & Sewer Enterprise Fund) - Eckler Engineering, Inc.:** Approve Change Order No. 1 - SCADA System Upgrades Main Water Treatment Plant (Task Order No. 227) with Eckler Engineering, Inc. for \$40,160.46 for additional professional engineering services (i.e., design and construction services) related to the proposed SCADA system upgrades at the Main Water Treatment Plant. Funding to support SCADA System Upgrades Main Water Treatment Plant (Task Order No. 227) is provided by the Utilities - Water & Sewer Enterprise Fund.  
Staff: Paul Ward, Assistant Director of Utilities

**Summary:** On October 12, 2017, the Village Council approved Task Order No. 227 with Eckler Engineering, Inc. for the professional engineering services (i.e., design, bidding, and construction services) related to the proposed SCADA system upgrades at the Main water Treatment Plant for \$93,965.70.

During the design process, multiple changes in scope were made to the design with input from various staff. Additional systems were also requested to be added to the SCADA system network. During the construction phase, the Utilities staff requested additional project management time to ensure the completed SCADA upgrades were completed correctly and according to design specifications. During the original project approval by the Council, Task Orders No. 226 and No. 227 were approved, which included the Pratt and Main Water Treatment Plant SCADA system upgrades. However, it was later decided by Utilities management to separate the bidding and award of these two projects, which would increase the individual costs for design, bidding, and project management costs.

As a result, the Village's Engineering Consultant, Eckler Engineering, is requesting an amendment to the approved Task Order No. 227 (Change Order No. 1) for \$40,160.46 for additional engineering services.

| <b><u>Work to be Completed</u></b> | <b><u>Contract Amount</u></b> |
|------------------------------------|-------------------------------|
| Original Contract Amount           | \$93,965.70                   |
| Change Order No. 1                 | \$40,160.46                   |
| <b>Revised Contract Amount</b>     | <b>\$134,126.16</b>           |

If approved, it is estimated that the construction will be completed on the SCADA upgrades at the Main Water Treatment Plant by January 2023.

The proposed Change Order No. 1 was prepared by Eckler Engineering and reviewed by the Village's Utilities Director and the Assistant Utilities Director.

**Fiscal Impact:** Funding to support the SCADA System Upgrades Main Water

Treatment Plant Project (Task Order No. 227) was provided by the Water & Sewer Enterprise Fund. The Village will not expend more than the amount in the approved budget as it may be adopted/approved each year for these goods and services for the term of the contract. An internal budget transfer or amendment to support this proposed cost above the budgeted amount will be completed within the Water & Sewer Fund at a later date, if necessary.

13. **Change Order No. 1 - Gulfstream Road Stormwater Improvements Project (Task Order No. 277) - Public Works Department (FY 2023 Budget Funded - Stormwater Enterprise Fund) - Hinterland Group**: Approve a Change Order No. 1 (Task Order No. 277) with Hinterland Group Inc. to extend the Gulfstream Road Stormwater (Task Order No. 277). Improvements project completion date by sixty-seven (67) calendar days (contract time from 150 days to 217 days). There is an anticipated completion date of 2023 for Gulfstream Road Stormwater Improvements (Task Order No. 277). Funding is available from the Stormwater Enterprise Fund FY 2023 Budget Fund.  
Staff: Walter Sanchez, Project Manager

**SUMMARY:** On March 10, 2022, the Village Council approved Task Order No. 277 with Hinterland Group, Inc. for construction services for the Gulfstream Road Stormwater Improvements Project for \$778,325.00.

During the procurement of materials phase, Hinterland was informed by the suppliers that supply chain issues within the industry would delay the delivery of concrete structures. Due to this, the project experienced a delay of 37 days. Later, during the installation of a stormwater pipe, the contractor encountered a conflict with a sewer lateral from the new BrandX development project along Gulfstream Road. Elevations where sewer and storm lines crossed intersected because of the nature and length of the sewer run. The consulting engineer determined that a conflict structure was needed after several attempts to make the lifts work and consulting with Craven Thompson, the consulting engineer. As a result of the Change Order, we request an additional 30 days to procure and install the structure.

**Note:** The conflict structure was covered by allowance Release No. 2.

The Village's contracted engineer, Craven Thompson, and the Utilities Department are requesting an amendment to the contract for Task Order No. 277 (Change Order No. 1) for \$0.00 for additional construction services and an extension of the project completion date by a further 67 calendar days (total contract time from 150 days to 217 days):

| <b><u>ITEM</u></b> | <b><u>CONTRACT<br/>AMOUNT</u></b> | <b><u>CONTRACT TIME</u></b> |
|--------------------|-----------------------------------|-----------------------------|
|--------------------|-----------------------------------|-----------------------------|

|                         |              |          |
|-------------------------|--------------|----------|
| Original Contract Time  | \$778,325.00 | 150 days |
| Change Order No. 1      | -            | 67 days  |
| Revised Contract Amount | \$778,325.00 | 217 days |

Within Task Order No. 277, the Gulfstream Road Stormwater Improvements project costs remain the same, and the contract length will increase by 217 days if approved. Stormwater improvements along Gulfstream Road are expected to be completed by the end of 2023.

Hinterland Group prepared Change Order No. 1 and reviewed it with the Village's Engineer, Craven Thompson, Assistant Village Manager, Assistant Utilities Director, Project Manager, and Finance Director.

Fiscal Impact: Funding to support the Gulfstream Road Stormwater Improvements Project (Task Order No. 277) was provided by the Stormwater Enterprise Fund. The Village will not expend more than the amount in the approved budget as it may be adopted and approved each year for these goods and services for the term of the contract.

- 14. Equipment Purchase - Cooperative Purchase - Utilities Department (FY 2023 Budget Funded):** Approve a Cooperative Agreement with the Sheriff's Association & Florida Association of Counties Office that was completed through a competitive selection process (FSA20-EQU 18.0 – Heavy Equipment – April 22, 2020) to purchase two (2) portable Dri-Prime pumps for \$90,000 from Xylem. Funds to support this proposed purchase are available within the FY 2023 Approved Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

**SUMMARY:** The Utilities Staff recommends utilizing cooperative purchasing of the current Sheriff's Association & Florida Association of Counties contract awarding two (2) portable Dri-Prime pumps to ensure the lowest price possible. During the month of October 2020, the Sheriff's Association & Florida Association of Counties completed a competitive selection process for Heavy Equipment (Bid No. FSA20-EQU18.0). Bid documents are on file in the Office of the Village Clerk.

Within the FY 2023 Budget, the Village Council approved the purchase of two (2) portable Dri-Prime pumps for \$90,000. However, the Utilities Department obtained a bid for \$110,826.80 from the County Sheriffs' Association and Florida Association of Counties. A budget amendment or transfer of the Water & Sewer Fund may be necessary to cover the additional \$20,826.80 at a later date.

If approved, the Village would accept Xylem's pricing by utilizing the Sheriff's Association & Florida Association of Counties' cooperative purchasing contract, including all terms, conditions, and pricing. The term of the contract will expire on September 30, 2023.

In accordance with Section 58-8 of the Purchasing Code, the Village may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for purchasing. Such cooperative purchasing may include but is not limited to, joint or multi-party contracts between government entities. Purchases through a cooperative purchasing agreement are exempt from the competitive selection purchase requirements set forth in this purchasing code. The Council must approve all Village purchases from a cooperative purchasing agreement which is anticipated to have a total value of more than \$35,000.00.

The Utilities Director, Assistant Utilities Director, and Finance Director reviewed the equipment purchase proposal.

The vendor has previously provided quality products and services to the Village.

Fiscal Impact: Funds to support this proposed equipment purchase are available within the FY 2023 Budget - Water & Sewer Enterprise Fund

- 15. Resolution 2022-46 - Approve Amendment 2 - Community Development Block Grant (CDBG) Agreement with Palm Beach County - Park Connector Pathway - FY 2023:** Approve Resolution No. 2022-46; Amendment No. 2 to the Interlocal Agreement with Palm Beach County provides a revised project scope that the pathway will run from Davis Road west to Kirk Road, to extend the project completion date to May 2023, and expenditure requirements. There is no fiscal impact on this Amendment request.

Staff: Justin Lucas, Director of Parks & Recreation

**SUMMARY:** The Village entered into an agreement with Palm Beach County to complete improvements to create an interconnected pathway system in the Village of Palm Springs. This sub-phase, Canal Road, consists of a coquina pathway located along the north side of Canal 11. The pathway will run from Davis Road west to Kirk Road. This amendment provides a revised project scope and to extend the project completion date and expenditure requirements.

The new performance requirements for the improvements will be as follows:

- Request 50% of CDBG Funds by January 31, 2023
- Complete Construction by May 30, 2023

Previously, the requirements were set to have the construction completed in March 2022 and the final reimbursement request for CDBG funds to be April 30, 2022. This new amendment will provide a sufficient amount of time to complete this project. The Village will receive up to \$130,515 in CDBG reimbursement funds.

Bidding documents for this project are in final review and this project will be competitively bid.

This amendment was prepared by the Palm Beach County Department of Housing and Economic Sustainability and reviewed by the Parks and Recreation Director.

Fiscal Impact: There is no Fiscal Impact with this Amendment request.

- 16. Agreement for Foreclosure and Code Enforcement Legal Services - (FY 2023 - General Fund Budget - Legal) - Goren, Cherof, Doody & Ezrol, P.A. - Brian Sherman:** Motion to approve an Agreement with Goren, Cherof, Doody & Ezrol, P.A., a law firm in the amount of \$250 per hour for foreclosure and code enforcement legal services and establishes a two (2) year term, and may be extended upon written agreement. Funding to support these specialized legal services is available within the FY 2023 General Fund Budget - Legal.

Staff: Kimberly Glas-Castro, Assistant Village Manager

**SUMMARY:** Village staff requests approval of an Agreement for Legal Services with the law firm Goren, Cherof, Doody & Ezrol, P.A. Mr. Brian Sherman is a partner with Goren Cherof who specializes in code enforcement, nuisance abatement, foreclosures, and declaratory judgments. He will be assisting the Village in these matters at the recommendation of Village Attorney Torcivia.

The proposed Agreement provides compensation at the rate of \$250/hour for these specialized legal services and establishes a two (2)-year term, with the ability for extensions.

To assist in our efforts to preserve the "historical" character of the Village, eliminate nuisances and blighting conditions that negatively impact neighboring residents, and hold absentee landlords accountable for maintaining our community's established standards, the Village Staff recommended retaining Mr. Sherman.

The proposed Agreement was prepared by Goren Cherof and reviewed by the Village Attorney and Village Manager.

Fiscal Impact: Funding to support these specialized legal services is available within the FY 2023 General Fund Budget - Legal. The Village will not expend more than the amount within the approved budgets as they may be adopted/amended each year for these services over the term of this agreement.

- 17. Resolution No. 2022-47 - Utilities Interlocal Agreement for the Sale of Water - Town of Lake Clarke Shores:** Approve Resolution No. 2022-47; an Interlocal Agreement with the Town of Lake Clarke Shores for the Village to provide the

bulk sale of water.

Staff: Paul Ward, Assistant Director of Utilities

**Summary:** The Utilities Department is requesting the Village enter into an interlocal agreement with the Town of Lake Clarke Shores for the bulk sale of water. The Village has provided the bulk sale of water to the Town of Lake Clarke Shores for over 34 years, and the new agreement would ensure that the Village continues to provide water to our neighboring community.

If approved, the agreement will be in perpetuity and include new terms from the current agreement (Resolution No. 2022-47).

During their meeting on September 27, 2022, the Town Council of Lake Clarke Shores adopted Resolution No. 2022-47, authorizing the approval of the agreement commencing with the agreement of the Village Council.

The Village Attorney prepared the proposed Interlocal Agreement and reviewed it with the Assistant Village Manager, Utilities Director, and Assistant Utilities Director.

**18. Vehicle Purchases - Cooperative Purchases - Utilities Department (FY 2023**

**Budget Funded):** Approve the purchase of one (1) Ford F-250 3/4 ton truck with a utility bed and one (1) Ford F-550 crane truck for the Utilities Department utilizing the Florida Sheriff's Association (Bid FSA22-VEH 20.0 - October 1, 2022) for \$209,741. Funds to support this proposed vehicle purchase are available within the FY 2023 Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

**SUMMARY:** The Utilities Department needs to purchase vehicles to support the daily operational utility services and activities that are provided for our community. To ensure the lowest possible price, the staff recommends that the Village utilize cooperative purchasing of the current Sheriff's Association & Florida Association of Counties contract awarded to various vendors (including Duval Ford). The Sheriff's Association & Florida Association of Counties completed a competitive selection process – Pursuit, Administrative & Other Vehicles (Bid #FSA22-VEH30.0 - October 1, 2022) and Heavy Trucks & Buses (Bid #FSA22-VEH20.0 - October 1, 2022) . Bid documents are on file in the Office of the Village Clerk.

Within the FY 2023 budget, the Village Council approved \$80,000 to be used to purchase two (2) utility vehicles and \$195,000 to be used to purchase one (1) utility crane truck. However, after receiving quotes for the requested vehicles available in October each year, the Utility department will purchase one (1) Ford F-250 instead of two (2). Through the Sheriff's Association & Florida Association of Counties bid, the Utilities Department was able to obtain a price of \$58,664.00 to purchase one (1) Ford F-250 3/4 Ton Truck with a Utility Bed and \$151,077.00 to purchase one (1) Ford F-550 with a crane attachment.

If approved, the Village would accept Duval Ford's pricing by piggybacking the Sheriff's Association & Florida Association of Counties' contract, including all terms, conditions, and pricing. The term of the contract will expire on September 30, 2023.

In accordance with Section 58-8 of the Purchasing Code, the Village may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for purchasing. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between government entities. Purchases through a cooperative purchasing agreement are exempt from the competitive selection purchase requirements set forth in this purchasing code. The council must approve all village purchases from a cooperative purchasing agreement which are anticipated to have a total value of more than \$35,000.00.

The Utilities Director, Assistant Utilities Director, and Finance Director reviewed the proposed vehicle purchase.

The Village has previously worked with this manufacturer and dealership and received a good product and service.

Fiscal Impact: Funds to support this proposed vehicle purchase are available within the FY 2023 Budget - Water & Sewer Enterprise Fund.

- 19. Purchase Eight (8) Vehicles for the Police Department - Piggyback Agreement (FSA #22- VEH30.0)- Police Department - FY 2023 Budget Funded:** Authorize the Police Department to enter a Piggyback Agreement with The Sheriffs' Association & Florida Association of Counties contract was completed through a competitive selection process – Police Rated, Administrative, Utility Vehicles, Trucks & Vans (Bid #FSA22-VEH30.0 – October 1, 2022) that was completed through a competitive selection process to purchase five (5) - 2023 Chevrolet Tahoe 1500 marked vehicles for \$193,310 (\$38,662 per vehicle) and three (3) unmarked Chevrolet Malibus for \$59,268 (\$19,756 per vehicle) from Garber Chevrolet. The remaining budgeted funds will be used to outfit the vehicles with emergency equipment and striping as needed. Funds to support this proposed purchase are available within the FY 2023 Approved Budget - Vehicles - General Fund.

Staff: Edgar Morley, Support Services Manager

**SUMMARY:** The Police Department needs to purchase vehicles to support the daily operational policing services and activities that are provided for our community. Staff recommends the Village enter a cooperative purchasing agreement with the Sheriffs Association & Florida Association of Counties to ensure the lowest possible price. The Sheriffs' Association & Florida Association

of Counties contract was completed through a competitive selection process – Police Rated, Administrative, Utility Vehicles, Trucks & Vans (Bid #FSA22-VEH30.0 – October 1, 2022). The term of the contract expires on September 30, 2023. A copy of the Sheriff's Notice of Final Award Pursuit/Administrative vehicles is on file in the Clerk's Office.

Within the FY 2023 budget, the Village Council approved \$315,000 to be used for the purchase of five (5) - 2023 Chevrolet Tahoe 1500 marked vehicles for \$193,310 (\$38,662 per vehicle) and three (3) unmarked Chevrolet Malibus for \$59,268 (\$19,756 per vehicle) from Garber Chevrolet. The remaining budgeted funds will be used to outfit the vehicles with emergency equipment and striping as needed.

The Village's Purchasing Code, Section 58-9. - Piggyback Agreement provides that the Village may award a contract by piggybacking or accessing the goods and/or services from any State of Florida contract; contracts of any Florida political subdivision, or from any other governmental entity (other than the Federal government); provided that the same or substantially similar goods and/or services were competitively solicited.

Fiscal Impact: Funds to support this proposed purchase are available within the FY 2023 Budget - General Fund Allocated/Estimated Project Funding: Amount FY 2023 Approved Budget - Vehicles - General Fund \$315,000 FY 2023 the total vehicle purchase costs will be \$252,578 for the purchase of eight (8) vehicles: five (5) marked and three (3) unmarked vehicles. The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

20. **Temporary Use Permit - Sales Center - Boatman Hammock - Assemblage of the Properties 4445 Boatman Street and Vacant Lot on Todd Street:** Approve a Temporary Use Permit with K. Hovnanian Aspire at Boatman Hammock LLC applicant is requesting that a 1,956-square-foot townhome be used as a model/sales center; the unit will be a "dry model," providing temporary parking located in the front of a unit and adjacent thereto with a concrete sidewalk. Once the sales are completed for the community or the two years are reached, the temporary parking area and the sidewalk will be removed, and the area will be sodded and restored accordingly with the approved site plan Staff recommends approval of the proposed two (2) year Temporary Use permit to support a temporary sales office until a model unit is built to serve as Boatman's sales office Temporary Use Permit - Sales Center - Fontana Townhomes - 3674 San Bernardino Way (formerly 4090 Coconut Road & 4063 Davis Road)  
Staff: Iramis Cabrera, PZB Director

**SUMMARY:** K Hovnanian Aspire at Boatman Hammock LLC is requesting a Temporary Use Permit to allow a temporary model/sales center located on the 5.44-acre parcel currently being developed as the Boatman Hammock residential project. In an effort to begin the sales process, the applicant is requesting that a

1,956-square foot townhome be used as a model/sales center for the 54-fee-simple townhome community that is currently under construction. The proposed location for the sales center is Lot 54 (Building 1) on the previously approved Site Plan (Resolution No. 2021-18 - October 14, 2021) and final plat (Resolution No. 2022-43 - September 22, 2022).

If approved, the unit will be a "dry model," providing temporary parking located in front of the unit and adjacent thereto with a concrete sidewalk. Once the sales are completed for the community or the two years are reached, the temporary parking area and the sidewalk will be removed, and the area will be sodded and restored accordingly with the approved site plan.

Section 34-895 - Village Code - Temporary land uses in zoning districts - provides that the Village Council may grant approval for temporary, principal uses of land that are not specifically allowed by the zoning district. A Temporary Use permit may not exceed two (2) years and is not renewable.

The new Boatman Hammock Townhomes development is currently being constructed. Staff recommends approval of the proposed two (2) year Temporary Use permit to support a temporary sales office until a model unit is built to serve as Boatman's sales office.

Fiscal Impact: The proposed request does not have a Fiscal Impact on the Village.

21. **Land Planning and Zoning Consultant Services Contract - Request for Proposal (RFP No. 2022R-004) - Planning, Zoning, and Building Department- FY 2023 Budget General Fund - PZB:** Motion to approve staff's recommendation of the Land Planning and Zoning Consultant (RFP No. 2022R-004 - Vision Comprehensive Plan and LDR Revised) and authorize staff to negotiate with Bonnie C. Landry & Associates an agreement for the Village Vision, Comprehensive Plan, and Land Development Regulation (LDR) Revisions. Under Section 58- 5 of the Purchasing Code, the Village used the Competitive Selection Purchase Requirement. Funding to support the proposed services is available within the FY 2023 Budget - General Fund - PZB.

Staff: Kimberly Wynn, Village Clerk

**SUMMARY:** The Comprehensive Plan (Comp) for our Village reflects the Village's commitment to implementing the plan and its elements, which state law requires. It includes principles, guidelines, standards, and strategies for our community's orderly and balanced development, including economic, social, physical, environmental, and fiscal growth and development. As part of the Village's Evaluation and Appraisal Report (EAR), the Comprehensive Plan was updated on January 23, 2018. There were subsequent amendments to the Comp Plan in 2019, 2020, and 2021.

The Planning, Zoning, and Building Departments requested proposals from planning and zoning consultants. To implement these amendments to the Comp Plan, these consultants were asked to revise the Village's Comprehensive Plan and modify the Land Development Regulations. The visioning process will take place at the beginning of the project to identify a "vision" for the Village's future development and economic development. A comprehensive review and revision of the Development Regulations are necessary to ensure consistency with the Village's vision and strategic plan. The Village will look at Florida Building Codes, Community Redevelopment Plans, and Comprehensive Plan updates in this review.

The Village issued a Request for Proposals (RFP) to find the best planning and zoning consultant. This process was conducted under Section 58-5 of the Village Code, Competitive Selection Purchase Requirement - Vision Comprehensive Plan and LDR Revised (RFP No. 2022R-004 - August 4, 2022).

There were bid proposals received from five (5) vendors:

| <b><u>Vendor</u></b>                | <b><u>Total Bid</u></b>                                           |
|-------------------------------------|-------------------------------------------------------------------|
| Bonnie C. Landry & Associates       | \$122,190.00                                                      |
| Calvin, Giordano & Associates, Inc. | \$124,500.00                                                      |
| MHCP Colab                          | \$137,500.00-\$170,500.00                                         |
| NZ Consultant                       | \$96,000.00                                                       |
| S&ME, Inc.                          | \$199,500.00 <b><i>(The Proposer Withdrew Their Proposal)</i></b> |

The Village Manager appointed Village Vision, Comprehensive Plan, and LDR Revision Selection Committee members. The Selection Committee included representatives from Code Enforcement, Finance, Administration, Utilities, Parks and Recreation, and Planning, Zoning & Building. The Selection Committee reviewed each proposal on October 3, 2022. Each submission was evaluated and scored according to the following:

- Qualifications of the Team
- Experience and Expertise
- Project Delivery and Approach
- Firm's Resources, Personnel Availability, and Commitment
- Fees for Professional Services

Based on the collective scoring of the proposal packages, the Committee unanimously determined that the five (5) should be invited to due a presentation and interview for the Evaluation Committee before final selection. In addition, each firm could present relevant qualifications followed by a question and answer period.

As a result of further discussions with the Village's attorney and Village Manager, one of the proposals was deemed non-responsive. Therefore, the proposal was found ineligible for further consideration.

Interviews with the four (4) firms were scheduled for October 10, 2022, by the Procurement Specialist. However, S&ME, Inc. withdrew its bid proposal. Ultimately, Bonnie C. Landry & Associates, MHCP COLAB, and NZ Consultants (NZC) were the firms that provided presentations. Based on the total score and ranking from the qualification package and interviews, the Committee selected Bonnie C. Landry & Associates as the firm to recommend to the Village Council for approval to enter contract negotiations.

**Note:** There was a proper notice of meetings.

Staff recommends the Village Manager (or their designee) to negotiate with Bonnie C. Landry & Associates an agreement for the Village Vision, Comprehensive Plan, and Land Development Regulation (LDR) Revisions.

The Procurement Specialist reviewed the five (5) proposals received; as a result, the Committee recommended Bonnie C. Landry, Associates. In response, the Village Attorney prepared a proposal for comprehensive plan revisions and LDR revisions.

The Assistant Village Manager and Planning, Zoning, and Building Director reviewed the proposals and requested Council approval for ongoing contractual services. The Village Council authorized \$100,000.00 in the FY 2023 Budget - PZB.

The Village would accept Bonnie C. Landry & Associates conditionally, based on the RFP package and the proposed agreement. The Village will not exceed the amount approved in the budget as it may be amended and adopted each year.

**Fiscal Impact:** Funding to support the proposed services is available within the FY 2023 Budget - General Fund - PZB.

- 22. Vehicle Purchase - Cooperative Agreement - Public Works Department (FY 2023 Budget Funded):** Approve the purchase of two (2) Ford F-250 3/4 ton trucks with a utility bed for the Public Works Department Cooperative Agreement with the Florida Sheriff's Association (Bid FSA22-VEL 30.0 - October 1, 2022) for \$117,328.00. Funds to support these proposed vehicle purchases are available within the FY 2023 Budget - Public Works Machinery & Equipment.

Staff: Timothy Crespo, Public Works Superintendent

**SUMMARY:** The Public Works Department needs to purchase vehicles to support the daily operational services and activities that are provided for our community. To ensure the lowest possible price, the staff recommends that the

Village piggyback off the current Sheriff's Association & Florida Association of Counties contract awarded to various vendors (including Duval Ford). The Sheriff's Association & Florida Association of Counties completed a competitive selection process – Police Rated, Administrative, Utility Vehicles, Trucks & Vans (Bid# FSA22-VEL 30.0 - October 1, 2022). The bid package is on file in the Village Clerk's office.

Within the FY 2023 budget, the Village Council approved \$80,000 to be used to purchase two (2) utility vehicles. After receiving quotes for the requested vehicles available in October each year, the Public Works department obtained a price of \$117,328.00 for the purchase of two (2) vehicles, with the savings of the bucket truck money will fund the exceeding amount of the (2) F-250.

If approved, the Village would accept Duval Ford's pricing by piggybacking the Sheriff's Association & Florida Association of Counties' contract, including all terms, conditions, and pricing. The term of the contract will expire on September 30, 2023.

Village Purchasing Code Section 58-8, Accessing contracts of other government agencies, allows the Village to use the goods and/or services from any contract with the State of Florida if it awards a contract. Providing the same or substantially similar goods and/or services are competitively solicited, the Village may award contracts with Florida political subdivisions or other government entities (other than the federal government).

The Public Works Superintendent, Supervisor, and Finance Director reviewed the proposed vehicle purchase.

The Village has previously worked with this manufacturer and dealership and received a good product and service.

Fiscal Impact: Funds to support this proposed vehicle purchases are available within the FY 2023 Budget - Public Works Machinery & Equipment. Able to purchase do to saved funds from the bucket truck in the same account. (Account # 56400)

- 23. Building Plans Review and Inspection Services Agreement - Piggyback Agreement - Term Extension - C.A.P. Government, Inc.:** Approve a Piggyback Agreement with the Town of Jupiter originally completed through a competitive selection process - Building Inspection, Plan Review, and Permit Technician Services (RFP BLD001-2019/LC - May 16, 2019) for Building Inspection/Plan Review for an initial term that expires July 30, 2024 with two twelve- month renewal options. Funds to support this proposed Agreement are available with the FY 2023 Budget - General Fund.

Staff: Iramis Cabrera, PZB Director

**SUMMARY:** The Planning, Zoning & Building Department, throughout the year, needs to enter into a contract to provide building plan reviews and inspection services to assist the Village with private development that is occurring within the Village. To ensure the lowest possible price, staff recommends that the Village piggyback off the current Town of Jupiter contract awarded to C.A.P. Government, Inc. The Town of Jupiter selected this company through a competitive selection process - Building Inspection, Plan Review, and Permit Technician Services (RFP BLD001-2019/LC - May 16, 2019) and approved a contract via Resolution 74-19 on July 16, 2019.

On May 10, 2018, the Village entered into a contract with C.A.P. Government, Inc ("C.A.P.") for Building Inspection/Plan Review as a piggyback agreement based upon the firm's contract with Palm Beach County. The Village's Agreement with C.A.P. expires on November 15, 2022. Rather than further extending the existing Agreement, the recommendation is to enter into a new piggyback agreement based upon C.A.P.'s contract with the Town of Jupiter, which provides all the services that the Village requires at more favorable terms than the Palm Beach County agreement. While some rates under the Jupiter contract are slightly higher than those of the Palm Beach County contract, other rates are lower. Therefore, the expected overall cost of the Village will be, at most, the current price and may result in some savings.

If approved, the Village would continue to accept the C.A.P. Government's services by piggybacking on the Town of Jupiter contract, including all terms, conditions, and pricing. The initial term of the contract will run through July 30, 2024, with two twelve-month renewal options. The Village will not expend more than the amount in the approved budget as it may be adopted and amended each year for these goods and services over the term of this contract.

The Village's Purchasing Code, Section 58-9, Accessing contracts of other government agencies, provides that the Village may award a contract by piggybacking or accessing the goods and/or services from any State of Florida contract; contracts of any Florida political subdivision; or from any other governmental entity (other than the federal government); provided that the same or substantially similar goods and/or services were competitively solicited.

The Village Attorney has prepared the proposed Agreement and reviewed it with the Planning, Zoning, and Building Director.

The Village has been working with the vendor and finds their plan review services thorough.

**Fiscal Impact:** Funds to support this proposed Agreement are available with the FY 2023 Budget - General Fund. The Village will not expend more than the amount within the approved budget as it may be adopted/amended each year for these goods and services over the term of

this contract.

- 24. Vehicle Purchase - Cooperative Agreement - Public Works Department (FY 2023 Budget Funded):** Approve a vehicle purchase from Sourcewell awarded to various vendors (including Altec Industries, Inc.) through a competitive selection process (Solicitation Number: RFP No. 110421 - January 12, 2022) for \$179,727.00 for a 60-ft bucket truck for the Public Works Department. Funds to support vehicle purchase are available within the FY 2023 Budget - Public Works Machinery & Equipment.

Staff: Timothy Crespo, Public Works Superintendent

**SUMMARY:** The Public Works Department needs to purchase a 60-ft bucket truck to support the daily operational services and activities that are provided for our community. To ensure the lowest possible price, the staff recommends that the Village Cooperative Agreement with Sourcewell contract is awarded to various vendors (including Altec Industries, Inc.). Sourcewell completed a competitive selection process (Solicitation Number: RFP No. 110421 - January 12, 2022). The bid package is on file in the Village Clerk's office.

Within the FY 2023 budget, the Village Council approved \$250,000 to purchase a 60-ft bucket truck without air brakes. Through the Sourcewell bid, the Public Works Department was able to obtain a price of \$179,727.00 to purchase a 60-ft bucket truck.

If approved, the Village would accept Altec Industries, Inc. pricing by Cooperative Agreement with Sourcewell Solicitation Number: RFP No. 110421 contract, including all terms, conditions, and pricing. The term of the contract will expire on December 27, 2025.

Village Purchasing Code Section 58-8, Accessing contracts of other government agencies, allows the Village to use the goods and/or services from any contract with Sourcewell if it awards a contract. Providing the same or substantially similar goods and/or services are competitively solicited, the Village may award contracts with Florida political subdivisions or other government entities (other than the federal government).

The Acting Public Works Director, Public Works Supervisor and Finance Director reviewed the proposed vehicle purchase.

The Village has previously worked with this manufacturer and dealership and received a good product and service.

**Fiscal Impact:** Funds to support this proposed vehicle purchase are available within the FY2023 Budget - Public Works Machinery & Equipment. Savings from

this purchase will be used to cover the increased costs of the F-250s also budgeted in FY 2023 Machinery & Equipment.

25. **Service Employees International Union/Florida Public Services Union (SEIU/FPSU) Agreement - Reopener Amendments (TA):** Motion to approve the SEIU Agreement - Reopener Amendments (TA) contingent upon the union passing the vote on November 14, 2022. The Agreement will provide a 5% Across the Board increase effective as of October 1, 2022, and a 1% increase effective April 1, 2023. There will be no merit increase for FY23. The contract will be retroactive to October 1, 2022. The impacts related to the proposed salary increases are within the approved FY 2023 Budget - General Fund. *(UPDATED INFORMATION)*

Staff: Ashley Saingilus, Human Resources Director

**SUMMARY:** The Village and the Service Employees International Union/Florida Public Services Union (SEIU/FPSU) have negotiated and come to a Tentative Agreement (TA'ed) to amend four (4) Articles within the existing three (3) year union agreement, which expires on September 30, 2024. This year, the Village conducted a comprehensive salary study focused on market-driven data. All positions were reviewed, and a new pay plan was created to ensure all positions were accurately placed. The Village aims to be competitive when hiring and retaining employees. The starting pay for many positions increased to improve recruitment efforts, and pay adjustments/equity adjustments were made to bring all employees who were below the new minimums up to the new amounts.

The Village and SEIU have come to an agreement for a 5% Across the Board effective October 1, 2022, and a 1% increase effective April 1, 2023. There will be no merit increase for FY23.

The Articles with significant changes from the previous contract are:

- Article 5 - Bargaining Unit Identification Article 26 - Holidays
- Article 33 - Standby - Recall Article 39 - Compensation
- Appendix B - Topped Out Employees

SEIU members were initially due to vote on the proposed contract amendments on Wednesday, November 9, 2022. Due to Hurricane/Tropical Storm Nicole, voting has been postponed to Monday, November 14, 2022. If the vote passes, the contract will be retroactive to October 1, 2022.

The Village Council is requested to approve the tentative agreement (TA'ed) between the Village and SEIU to amend four (4) Articles within the existing three (3) year union agreement, which expires on September 30, 2024.

**Fiscal Impact:** The impacts related to the proposed salary increases have been

included within the approved FY 2023 Budget - General Fund.

### **End of Consent Agenda....**

Mayor Smith offered the public an opportunity to speak on the agenda. There were no comments from the public.

Vice-Mayor Gunther made a motion to Approve the Consent Agenda. It was seconded by Mayor Pro Tem Brinkman. The said motion carried 4-0.

### **PRESENTATIONS**

Mayor Smith read the proclamation into the record. Foundcare was not present to accept the proclamation.

#### **26. World Aids Day - December 1, 2022 - Proclamation**

Staff: Kimberly Wynn, Village Clerk

Mayor Smith read the proclamation into the record. There was no one present from the organization to accept the proclamation.

### **PUBLIC COMMENT**

Mayor Smith offered the public an opportunity for public comment.

1. Mr. Johnnie Tieche 305 Winged-Foot Drive - Mr. Tieche commented on Walmart not following their temporary use agreement. He said that Walmart had twenty-two (22) trailers on the property; however, Walmart's agreement only permitted eleven (11). He also commented that there were eight (8) food trucks in the Village, and enforcement by Code should take place after hours.

### **REGULAR AGENDA**

None

### **PUBLIC HEARINGS**

27. **(Quasi-Judicial Hearing) Resolution No. 2022-45 Special Exception Use (PSSE22-08) and Site Development Plan Amendment (SPR22-15) - Extraordinary Kids Foundation:** Motion to approve Resolution No. 2022-45; an application submitted by Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation ("Applicant"), for a Special Exception Use (PSSE22- 08) and Site Plan Amendment (SPR22-15) approval, to allow the conversion of 5,495 square feet of retail-office space into a childcare facility located on a 4.25-acre

parcel that is located at 4218-4220 Lake Worth Road.

Staff: Iramis Cabrera, PZB Director

**SUMMARY:** Ms. Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation ("Applicant"), has applied for Special Exception Use (PSSE22-08) and Site Plan Amendment (SPR22-15) approval to allow the conversion of 5,495 square feet of retail-office space into a childcare facility located on a 4.25-acre parcel that at 4236 Lake Worth Road. The proposed tenant will occupy two (2) tenant bays within the existing shopping center (4218-4220 Lake Worth Road).

**Note:** The 4.25-acre property was annexed into the Village in 2014 as a developed parcel with 40,240 square feet of building area within two (2) commercial structures. Childcare facilities are permissible in the Commercial General (CG) district except for approval. The applicant proposes a childcare facility to provide care for children with medical or skilled nursing needs that prevent them from attending a traditional daycare.

The center will serve children from birth to the age of 21 years old with medical conditions that require nursing care and a doctor's prescription to attend. The facility is not open to the general public. Like a traditional daycare, a prescribed pediatric extended care facility does not have a license from Florida's Department of Children and Families. Florida's Agency for Health Care Administration ("AHCA") regulates assisted living facilities, nursing homes, and hospitals. Down syndrome, respiratory illness, autism, and cerebral palsy are the conditions served. The center will help up to 60 children from Monday to Friday, from 7 AM to 7 pm. Staff will consist of registered nurses, licensed practical nurses, and care aides.

As part of the proposed project, the applicant requested one (1) variance, approved unanimously by the Planning and Zoning Board during their regular meeting on October 11, 2022, to allow the elimination of the required outdoor play area. The Planning and Zoning Board considered this application during their October 11, 2022, meeting and recommended approval. The Planning, Zoning & Building staff do not object to the proposed Special Exception Use and Site Development Plan Amendment and recommend conditional approval of the proposed project.

Resolution No. 2022-45 was advertised in the Lake Worth Herald on September 29, 2022, and October 27, 2022.

**Fiscal Impact:** The proposed project will likely have a minor fiscal impact on the Village because it would require various Village services, resulting in increased revenue.

The Village Clerk read the statement of advertisement and swore in the staff and applicant, Madean Gilzene. Iramis Cabrera, Director of Planning and Zoning, gave the staff's presentation. Ms. Cabrera advised the Council that staff supported the project. Ms. Gilzene presented her testimony for the record. She explained her reason for moving from her current building to the proposed site. It was for the safety of the children. Her facility can accommodate up to sixty (60) special needs children with a ratio of 1:3 teachers for every child. The staff gave their testimony. Ms. Gilzene said this is for the safety of the children and not open to the public. The age range is from birth-21 years old. Attendees of the facility must be referred by a pediatrician, and it is based on specific criteria.

Mayor Smith offered the public and Council Members an opportunity for public comment.

The Council asked what the special needs are at the facility. Ms. Gilzene said there were different needs at the facility. The oldest child at the facility was eighteen years old (18). Ms. Gilzene said that although she is licensed for 60 children, she currently has 40 children registered. The numbers were higher before COVID. Many caretakers keep their children home (especially if they have respiratory problems) because of COVID. The Council and Ms. Gilzene continued their discussion about parking and the number of bathrooms on the site. Ms. Gilzene explained to the Council, that four (4) bathrooms were adequate because most of the attendees were incontinent. The facility is modeled for American Disabilities Act (ADA) compliance. Her facility is also closely monitored by the state and county agencies for compliance. Village Attorney Torcivia read the title of the caption into the record.

Mayor Pro Tem Brinkman made a motion to approve Resolution No. 2022-45. Council Member Ready seconded the motion. The said motion carried 4-0.

28. **(First Reading/Quasi-Judicial Hearing) Ordinance No. 2022-12 - Land Use Amendment and Rezoning (Small-Scale) - Oxygen Development:** Motion to Approve Ordinance No. 2022-12; to amend the land use and zoning designations for 17.74 acres (comprised of eleven parcels) to facilitate an industrial development project that is a proposed small-scale land use change from a Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI) planned for a mix of manufacturing and warehouse use located west of Congress Avenue and North of Forest Hill Boulevard at the Oxygen Development.

Staff: Iramis Cabrera, PZB Director

**SUMMARY:** Mr. Marty Minor from Urban Design Studio, agent for Oxygen Holdings, LLC. ("Applicant"), is requesting a Small-Scale land use plan amendment and rezoning on 17.74 acres (comprised of eleven parcels) to

facilitate an industrial development project.

The proposed small-scale land use change would be from Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI). The combined properties are less than 50 acres in size (17.74 acres total) and are planned for a mix of manufacturing and warehouse use.

The applicant is concurrently requesting Site Plan approval to allow a 150,780 square foot warehouse in addition to the 211,363 square foot existing warehouse-manufacturing building. The proposed site plan is presented (within this item) for informational purposes only (no action is required at this time).

**Note:** The Village does not typically place conditions of approval on future land use map changes. The legislative decision as to the appropriateness of the land use map and rezoning amendments are approved on the 2nd and final reading, and the proposed Site Plan will be presented for consideration at a future date.

Ordinance No. 2022-12 was advertised in the Lake Worth Herald on September 29, 2022, and October 27, 2022.

The proposed request was submitted through the PBC Intergovernmental Plan Amendment Review Committee (IPARC) for intergovernmental review and no comments were received.

**Note:** IPARC is designated to provide coordination of proposed plan amendments, cooperation between affected local governments and service providers and provides opportunities to resolve potential disputes only within the plan amendment.

The Planning and Zoning Board considered this application during their October 11, 2022 meeting and recommended approval.

The Local Planning Agency (LPA) will consider this item during their November 10, 2022 meeting.

If approved on the 1st reading, the proposed ordinance will be considered for the 2nd and final reading by the Village Council at a future date.

**Fiscal Impact:** The proposed land use and zoning amendments are not expected to provide a direct fiscal impact on the Village; however, it would facilitate development that will increase the Village's property valuation.

Mayor Smith asked the Council to disclose their ex parte communication. Mayor Pro Tem Brinkman declared a conflict of interest, and recused herself.

The Village Clerk read the statement of advertisement on the record. The applicants were sworn in at the Local Planning Agency Meeting. Ms. Cabrera gave an overview of the proposed Land Use Amendment and Rezoning (Small Scale) for Oxygen Development. She clarified that eleven parcels instead of thirteen (as originally advertised) were being brought forward to change from a Commercial and Medium Density Residential to Light Industrial. The combined properties are less than fifty (50) acres in size (17.74 acres total). The properties were planned for a mixture of manufacturing and warehouse use.

Mr. Minor gave his presentation on the proposed Ordinance and entered it into the record. He explained that although the presentation had thirteen parcels listed, only eleven would be considered at this time. The site plan will be presented to the Council at a later date. Village Attorney Torcivia read the title of the caption into the record.

Mayor Smith offered the public an opportunity to speak. There were no comments from the public.

Council Member Ready made a motion to approve Ordinance No. 2022-12 in the First Reading. Vice-Mayor Gunther seconded the motion. The motion carried 3-0.

### **ACTIONS AND REPORTS**

There were no Actions and Reports.

### **VILLAGE MANAGER COMMENTS**

The Village Manager, Mr. Bornstein, complimented each of the staff on their professionalism in preparation for Hurricane Nicole. He discussed the schedule of upcoming holiday events.

### **VILLAGE COUNCIL COMMENTS**

Council Member Ready summarized his involvement in the events. Vice-Mayor Gunther expressed his thanks for the work the staff did during hurricane preparations and wished residents and staff a happy Veterans Day. It was discussed how the Florida Redevelopment Association (FRA) convention bus tour proceeded and what damage was caused by Hurricane Irma. Walmart trailers were also discussed by the Council. In addition to talking about the "Love to Ride" fitness challenge, the Council talked about the Fall Festival.

The staff did a great job preparing for the storm. This year's Fall Festival was a success.

### **ADJOURNMENT**

Hearing no further business, Mayor Smith adjourned the meeting at 7:17 PM.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **November 10, 2022**. Which minutes were formally approved and adopted by the Village Council on **January 12, 2023**.

*Kimberly M. Wynn*  
Village Clerk

**NEXT REGULAR MEETING:  
THURSDAY, DECEMBER 8, 2022 AT 6:30 PM  
(IMMEDIATELY FOLLOWING THE LPA MEETING)**

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                              |                             |                                                                                                                                                                                                               |  |
|--------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Brinkman Joni Sue</b> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Village of Palm Springs Council</b>                                                                                                         |  |
| MAILING ADDRESS<br><b>201 Rex Court</b>                      |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| CITY<br><b>Palm Springs</b>                                  | COUNTY<br><b>Palm Beach</b> | NAME OF POLITICAL SUBDIVISION:<br><b>Village of Palm Springs</b>                                                                                                                                              |  |
| DATE ON WHICH VOTE OCCURRED<br><b>11/10/22</b>               |                             | MY POSITION IS:<br><input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE                                                                                                           |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni S. Brinkman, hereby disclose that on November 10, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Urban Design Studio ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

**My employer, Urban Design Studio is the agent for the applicant on Item 28 (Ordinance No. 2022-12) for a first reading on land use/zoning change on the Oxygen Development.**

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

November 10, 2022

Date Filed

Joni S. Brinkman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.