



MINUTES,
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
DECEMBER 14, 2023 AT 6:30 PM

CALL TO ORDER

Mayor Bev Smith called the Village Council Regular Meeting to order at 6:50 p.m. (immediately following the Local Planning Agency Meeting).

ROLL CALL

Present: Mayor Bev Smith, Vice-Mayor Joni Brinkman, Mayor Pro Tem Patti Waller, Council Member Kim Schmitz, and Council Member Gary Ready.

Absent: None

Also present are Village Manager Michael Bornstein, Village Attorney Glen Torcivia, Village Clerk Kimberly Wynn, Police Chief Thomas Ceccarelli, Sergeant-in-Arms, Assistant Village Manager Kim Glas-Castro, Planning, Building and Zoning Director Iramis Cabrera, Public Works Supervisor Michael Wood, Utilities Director Jimmie Johnson, Assistant Utilities Director Paul Ward, and Library Services Director Jossie Maliska.

INVOCATION

The Village Manager, Michael Bornstein, led the Invocation.

PLEDGE OF ALLEGIANCE

The Village Council led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager Bornstein did not note any changes to the Agenda. Mayor Smith indicated that Item #17 (Quasi-Judicial Hearing) Resolution No. 2023-52 - Commercial Planned Development Master Site Plan (SPR23-10) Village Collection of Palm Springs - Northwest Corner of 10th Avenue North and South Florida Mango Road; Item 18 (Quasi-Judicial Hearing) Resolution No. 2023-53 - Site Plan Amendment (SPR23-12), Special Exception Use (PSSE23-06) and Hours of Operation Variance (PSV23-17) - Chick Fil A - 2625 10th Avenue North (Tract 2; and Item #19 (Quasi-Judicial Hearing) Resolution No. 2023- 54 - Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) Chipotle - 2665 10th Avenue North (Tract 3) be continued to a date certain of January 11, 2024, Public Hearings. There were comments made by Palm Beach County on the Traffic Study that the applicant needed to address before the site plan could go forward.

Council Member Ready made a motion to Approve the Agenda as amended, and

Mayor Pro Tem Waller seconded the motion. The said motion carried 5-0.

CONSENT AGENDA

1. September 27, 2023, Village Council Final Budget Hearing Meeting: Approval of September 27, 2023, Village Council Final Budget Hearing Meeting Minutes.
Staff: Kimberly Wynn, Village Clerk
2. November 9, 2023, Village Council Regular Meeting Minutes: Motion for the Approval of November 9, 2023, Village Council Regular Meeting Minutes.
Staff: Kimberly Wynn, Village Clerk
3. Approve Agreement With MaintStar, Inc. For Electronic Plan Review Software, Hosting and Support - Planning, Zoning & Building Department (PZB) (FY 2024 Budget Funded) - MaintStar, Inc.: Approve an agreement in the amount not to exceed \$39,000 to MaintStar Inc. for additional software licenses, hosting and support services for Electronic Plan Review (EPR) Software to be added to the land management system for the Planning, Zoning, & Building Department. Funding to support the MaintStar Electronic Plan Review module is within the FY2024 Planning, Zoning, & Building Department.
Staff: Iramis Cabrera, PZB Director

SUMMARY: On July 8, 2021, the Village Council approved an agreement with MaintStar, Inc. to provide all requisite software, project management, and implementation services, including training, technical support, and import/conversion of existing data from the Tyler-Munis platform. The Planning, Zoning & Building, and Information Technology (IT) Departments have been working with the MaintStar team since October 2021, and the implementation is expected to be successfully completed by December 2023.

The Planning, Zoning & Building Department identified the next step in the modernization of the Village's plan review process was to move to an electronic plan review, which is considered the industry standard. The technology provides for the submittal of digital plans and their subsequent review by the required Departments (including PBC Fire Rescue) in an efficient, time-saving manner. This will dramatically improve the experience for Village patrons (i.e., property owners, developers, contractors, owner-builders, etc.) as well as Village staff. The Village Council approved funding (\$39,000.00) in the FY 2024 Budget - General Fund to purchase and install this module.

Fiscal Impact: Funding to support the proposed purchase and implementation of the MaintStar Electronic Plan Review module is within FY 2024.

4. Work Authorization No. 6 - Piggyback - Roadway Asphalt Milling & Resurfacing - Public Works Department (FY 23/24 Budget Funded) - Ranger Construction Industries, Inc.: Approve Work Authorization No. 6 with Ranger Construction Industries, Inc., in the amount of \$161,711.93 for milling and

resurfacing five (5) roadways within the Village. Funding to support Work Authorization No. 6 is available within the FY 2024 - General Fund. Staff: Timothy Crespo, Assistant Public Works Director

Summary: The Public Works Department recommends that five (5) roadway segments throughout the Village be milled and resurfaced based on visual inspection and rating by staff. These roadways have pavement; however, they have significant pavement deterioration and must be milled and resurfaced to extend their service life. The roads that are proposed to be milled and resurfaced had the lowest rating of all the roads that we assessed last year (Zone B) from Canal 9 South to 10th Ave.

The Public Works Department is recommending that the following five (5) roadways be approved to be milled and resurfaced utilizing the Village's existing piggyback contract with Ranger Construction Industries, Inc. for the amount of \$161,711.93:

- East Lake Road (From Gulfstream Road - Shady Lane)
- Reo Lane (From 10th Avenue - Dead End)
- Riverdale Road (From Davis Road - Dead End)
- Yucatan Drive (From Davis Road - Russell Drive)
- Rex Avenue (From Complex Entrance - Congress Avenue)

To get the lowest possible price, the Village staff recommends using our existing agreement and piggybacking off the current Palm Beach contract awarded to Ranger Construction Industries on October 16, 2021. Palm Beach County conducted a competitive selection process for the Palm Beach County Annual Milling and Resurfacing Contract (ITB # R2021-0984 - Project Number 2021050 - August 17, 2021).

The Village accepts Ranger Construction Industries' pricing under the Palm Beach County contract, including all conditions, terms, and prices. Palm Beach County's contract expires on October 16, 2024, but a six (6) month renewal option is available.

All original bid documents authorizing the initial piggyback and renewal agreements with Ranger Construction Industries, Inc. are available in the Village Clerk's Office.

Per the Village's Purchasing Code, Section 58-9: By using contracts from other government agencies, the Village can award contracts by piggybacking or accessing the goods and services from contracts with the State of Florida, Florida political subdivisions, or any other governmental entity (other than the Federal government). The agreement is valid if the goods and services are identical or substantially similar and procured competitively.

March/April 2024 is the estimated completion date of the project.

The proposed project Work Authorization No. 6 was prepared by the Village Attorney and reviewed by the Assistant Public Works Director, Assistant Village Manager, and the Finance Director.

The Village has previously worked with the proposed contractor and has received excellent service and a quality product.

Fiscal Impact: Funding to support purchases under this proposal is available within the FY 2024 - General Fund (01441-55300).

- FY23/24 Approved Budget 01441-55300 \$165,000.00
- Project Request – General 01441-55300 \$161,711.93 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.

5. Authorize Installation of Fiber Optic Lines - Utilities & Public Works Departments (FY 2024 American Rescue Plan Act (ARPA) Funded) - Palm Beach County: Approve a best-interest prepared by Palm Beach County's contractor, Precision Contracting Services Inc., installation of fiber optic lines and acceptance of Palm Beach County's price of \$131,410.00. Installation will take place at the R.L. Pratt Water Treatment Plant and the 2400 Kirk Road building. The project will be funded through ARPA funds.

Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities and Public Works Departments need fiber optic lines installed at the Pratt Water Treatment Plant and 2400 Kirk Road building. The fiber optic lines will allow the secure and reliable use of data at both facilities, which include the internet, phone systems, security cameras, access controls, and other essential services. The project will be funded through American Rescue Plan Act (ARPA) funds.

The Information Technology department has recommended the fiber optic lines be installed by Palm Beach County through the use of their Fiber Optic Master Work Order Contract (IFB#19-065/HS). The use of Palm Beach County's fiber network would allow for the best pricing and security when compared to commercial offerings by vendors. The cost of installation of fiber optic lines to the Pratt Water Treatment Plant and 2400 Kirk Road would be:

<u>Location</u>	<u>Amount</u>
R.L. Pratt Water Treatment Plant	\$ 40,380.00
2400 Kirk Road	\$ 91,030.00

Total	\$131,410.00
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The approved FY 2024 Budget included \$82,220 for the installation of fiber to the Pratt Water Treatment Plant and \$91,030.00 for the installation of fiber at 2400 Kirk Road.

The Village's Purchasing Code, Section 58-11, Best interest acquisitions, provides that the Village may acquire or contract for non-real property, goods, or services without utilizing the competitive selection purchase requirements where the Village Council declares by at least a four-fifths affirmative vote that the competitive selection process is not in the best interest of the Village. The Village Council shall make specific factual findings that support its determination, and such contracts shall be placed on the Regular Village Council agenda. This provision may not be used to contract for goods or services for which such contract would exceed the limits set forth in F.S. §287.055 or 255.20, as amended.

The proposed quotes were prepared by Palm Beach County's contractor, Precision Contracting Services Inc., and reviewed by the Information Technology Director, Assistant Utilities Director, Utilities Director, and Finance Director. Although Precision Contracting Services Inc. prepared the quote, the Village would make payment to Palm Beach County for the completion of the fiber optic line installation.

The Village has worked with Palm Beach County for the installation of fiber optic lines in the past and received excellent service and a quality product.

Fiscal Impact: Funds to support the proposed purchase are available within the FY 2023 Budget - Water & Sewer Enterprise Fund and General Fund by way of ARPA funding. 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.

6. Equipment Purchase - Cooperative Purchase - EnviroSight LLC - Utilities Department (FY 2024 Budget Funded): Approve a cooperative purchase from EnviroSight LLC. for \$343,071.21 for a camera truck to perform visual inspections of sewer and storm pipelines for the Utilities Department. Funds to support this proposed purchase are available within the FY 2024 Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department must purchase a camera truck to inspect sewer and storm pipelines visually. EnviroSight LLC. manufactures vehicles and equipment and provides continuous services and support within Florida. EnviroSight's service centers are in Deerfield Beach and Orlando, Florida.

To ensure the lowest possible price, the staff recommends that the Village utilize cooperative purchasing of the current Sourcewell contract awarded to Envirosight LLC. Sourcewell completed a competitive selection process - Sewer Inspection and Maintenance Equipment (Bid #120721- EVS - January 26, 2022). Bid documents are on file in the Office of the Village Clerk.

Within the FY 2024 Budget, the Village Council approved the purchase of a camera truck for \$450,000.00. As a result, Envirosight LLC. has provided the Village with a quote to provide a camera truck with all necessary equipment to perform inspections of sewer and stormwater pipelines for \$343,071.21. The expected delivery is within 120 days of the order date.

If approved, the Village would accept Envirosight LLC's pricing by utilizing the Sourcewell cooperative purchasing contract, including all terms, conditions, and pricing. The term of the contract will expire on January 17, 2026.

Under 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 this purchasing code's competitive selection purchase requirements. The council must approve all village purchases from a cooperative purchasing agreement, 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.

Fiscal Impact: Funds to support this proposed equipment purchase are available within the FY 2024 Budget - Water & Sewer Enterprise Fund.

7. Authorize Monitoring System and Valve Purchase - Single Source Purchase - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - AirVac: Approve purchase from AirVac as a single-source, in the amount of \$1,423,936.88 for a monitoring system and replacement valves for the Village's three (3) Vacuum Sewer Stations. The funds to support this project are available with the FY 2024 Budget Funded - Water & Sewer Enterprise Fund.
Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department is recommending the purchase of a monitoring system and replacement valves for the Village's three (3) Vacuum Sewer Stations. The sewer system is a proprietary system provided by AirVac, and it is recommended that we utilize their patented parts and supplies within our vacuum sewer system. The vacuum sewer system currently has no remote monitoring, which leads to extended time to diagnose issues and increased frustration for our utility customers. Additionally, the valves within the vacuum sewer pits need to be replaced due to age and to be compatible with the remote monitoring system. This project has been reprioritized as a primary focus for the Utilities Department due to the failures of the vacuum sewer system and the inconveniences those failures have caused our customers. Due to these failures, during FY 2023, the Utilities Department requested AirVac evaluate the vacuum sewer system and make recommendations to ensure reliable service for our customers. The items included for approval are part of the recommendations made by AirVac and confirmed by our staff and consultants to improve the performance and reliability of the vacuum sewer system.

AirVac has provided a letter outlining the proprietary nature of this system and that the parts and supplies would only be available directly from their company. The proposed Agreement to purchase parts and supplies would be similar to the existing pricing that the Village is currently receiving. Thus, it is recommended to authorize the Village to make the necessary AIRVAC parts purchases under the Single Source purchasing provision within the Village's purchasing code:

Within the FY 2024 Budget, the Village Council approved the purchase of a Vacuum Sewer Station Monitoring System for \$175,000.00. AirVac has provided the Village with quotes to provide the monitoring system, valves, and needed components for \$1,423,936.88. The Utilities Department will be utilizing funding from two other projects that were approved within the FY 2024 Budget to complete this project. The Well No. 14 Replacement (\$1,200,000.00) and Water Main Capacity Improvement (\$892,783.00) projects will be started later in the fiscal year to utilize those budgets to cover the Vacuum Sewer Station Monitoring. The Vacuum Sewer Station Monitoring project has become a larger priority to complete due to the effect it has on our residential and commercial customers. A budget amendment or transfer of the Water & Sewer Fund may be necessary to cover the additional cost at a later date.

The Village's Purchasing Code - Section 58-7. Single source purchases provide that upon receipt of justification from the user department and/or the proposed single source, the finance department may select a single source without competition if, after conducting a search for available sources, the finance department, together with the user department determines that only a single source is practicable or for other reasons single source is in the best interest of the Village. Upon determination of a single source, contract negotiations shall commence with the single source. If contract terms are agreed upon and the single source purchasing is anticipated to have a total value of \$25,000 or less, a

contract between the Village and the single source may be approved and executed by the Village Manager. If contract terms are agreed upon and the single source purchase is anticipated to have a total value of more than \$35,000, the Council must approve the contract between the Village and the single source.

If the single source purchase is approved, the Village would accept AirVac's pricing including all terms and conditions therein.

The proposed quotes were prepared by AirVac and reviewed by the Utilities Supervisor, Utilities Director, Assistant Utilities Director, and the Finance Director.

The Village has worked with the proposed vendor previously and has provided excellent service and quality products.

Fiscal Impact: Funds to support the proposed purchase are available within the FY 2024 Budget - Water & Sewer Enterprise 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.

8. Purchase Agreement for Submersible Pumps - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - PSI Technologies, Inc.: Approve a purchase agreement from PSI Technologies, Inc. for twelve (12) submersible pumps. The current contract term is three (3) years, expiring June 9, 2025, with an option to renew for two additional one (1) year terms. Funding is available for the proposed purchase from the Water & Sewer Enterprise Fund.
Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department must replace twelve (12) aging wastewater pumps at lift stations throughout the Village's utility service area with submersible pumps. Failures and inefficiencies were noticed with the pumps that had to be replaced. It's anticipated that the Village will save money through reduced electricity, staff maintenance costs, etc., by upgrading the pumps to newer, more reliable, and efficient submersible pumps. Our utility customers will benefit from improved operational efficiency.

Note: To ensure the lowest possible price and to standardize the types of pumps, accessories, and repair services utilized within our utility processes, the Village issued an Invitation to Bid (ITB) and awarded contracts to three (3) qualified vendors - PSI Technologies, Inc. (WILO), Hudson Pump & Equipment (Barnes), and Wastewater Solutions, LLC (Boesch) on June 9, 2022. This selection by the Village of Palm Springs was completed through a competitive selection process – Submersible Wastewater Pumps, Accessories, and Service (ITB No. 2022B-010 - March 31, 2022).

The Village agreed to each of the three vendors' terms, conditions, and pricing. The term of each contract is set to expire on June 9, 2025, with a renewal option to extend two additional one (1) year terms.

Through the existing agreement with PSI Technologies, the staff was able to obtain the following proposed cost for the purchase of twelve (12) submersible wastewater pumps:

<u>Item</u>	<u>Amount</u>
Waterview Back Liftstation (2 Pumps) PSI Technologies	\$16,900.00
Palm Springs Apartments (2 Pumps) PSI Technologies	\$19,500.00
Waterview Front Liftstation (2 Pumps) PSI Technologies	\$23,600.00
Autocare Liftstation (2 Pumps) PSI Technologies	\$26,800.00
Beach & Ardel Liftstation (2 Pumps) PSI Technologies	\$26,800.00
Idaway Liftstation (2 Pumps) PSI Technologies	\$26,800.00
Total	\$140,400.00

The approved FY 2024 Budget - Water & Sewer Fund included \$140,000 for the purchase of replacement lift station pumps.

The proposed quotes were prepared by PSI Technologies and reviewed by the Utilities Supervisor, Utilities Director, Assistant Utilities Director, and Finance Director.

The Village has worked with the proposed vendors previously, and they have provided excellent service and quality products.

Fiscal Impact: Funds to support the proposed purchase are available within the FY 2024 Budget - Water & Sewer Enterprise 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.

9. Change Order #4 (WA# EE-U01.4) - Vacuum Station No. 1 Improvements (Task Order # 240) - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - CHA Consulting, Inc. f/k/a Eckler Engineering, Inc.: Approve Change Order #4 (WA #EEE-U01.4) with CHA Consulting to amend Task Order #240 for \$13,168.00 for additional engineering services to address defective work by Hinterland Group for work related to the Vacuum Station No. 1 Improvements Project. Funding to support Change Order #4 is available within the FY2024 Water & Sewer Enterprise Fund.

Staff: Jimmie Johnson, Utilities Director

SUMMARY: On November 8, 2018, the Village Council approved Task Order #240. On February 13, 2020, Village Council approved Task Orders #266 and #278 with CHA Consulting, Inc. (CHA) for professional engineering services

associated with the Vacuum Station No. 1 Improvements project for the total contract amount of \$71,559.00.

NOTE: The project was capitalized into three different task orders/purchase orders for the following amounts: TO #240 = \$29,282.00, TO #266 = \$24,685.00, and TO #278 = \$17,592.00.

The contracted utility contractor, Hinterland Group, LLC. (HG), proceeded to install a waterproofing product on the stairwell footer and against the existing Vacuum Station wall that was not originally specked or reviewed and approved by CHA. The drawings called for a vinyl water stop at the footer which HG failed to install prior to the concrete pour. The same water stop membrane that was installed on the footer was also improperly installed vertically on the existing station wall. Due to this defective work, a stop work order was placed on the project until this issue could be reviewed, the proper documentation provided and reviewed by CHA, and a decision made on how to resolve this oversight by the Contractor.

After CHA consulted with a local waterproofing representative, a directive was issued to HG to remove the improperly installed waterproofing membrane and to install an alternate approved waterproofing material following the manufacturer's specifications and with CHA's inspection/approval. All this additional effort by CHA resulted in spending additional time and resources that were not part of their contract. Therefore, in order to cover these additional costs, the Village decided to enforce the section in HG's contract in the General Conditions, article 14.03, "Defective Work", which states that costs incurred by the Engineer (CHA) due to defective work by the Contractor (HG), can be recouped via a back charge from the Owner to the Contractor (HG).

NOTE: A change order to HG (CO #4) is also being presented at this month's Council meeting which has the deduction for this cost included in the amount of the change order.

The Utilities Department is requesting an amendment to the contract for Task Order #240 (Change Order #4) in the amount of \$13,168.00 for additional engineering services by CHA to address defective work by HG.

NOTE: Copies of the previous three (3) change orders are available in the clerk's office if required.

Fiscal Impact:

<u>Item</u>	<u>Contract Amount</u>
Original Contract Amount (TO# 240)	\$29,282.00
Approved Change Order No. 1	\$4,653.00
Approved Change Order No. 2	\$3,257.00
Approved Change Order No. 3	\$25,566.00
Proposed Change Order No. 4	13,168.00
Revised Contract Amount (TO# 240)	\$75,926.00

Revised Total Contract Amount for TO's #240, #266, #278 \$118,203.00

If approved, the total cost of the Vacuum Station No. 1 Improvements project within Task Order #240 will be increased to \$75,926.00 and the total project contract will be increased to \$118,203.00.

It is estimated that the proposed Vacuum Station No. 1 Improvement project will be completed by January 4, 2024.

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 the proposed costs above the budgeted amount will be completed within the Water & Sewer Enterprise Fund at a later date, if necessary.

10. Change Order #4 - Vacuum Station No. 1 Improvements (Task Order # 240) - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - Hinterland Group, LLC: Approve Change Order No. 4 (Task Order No. 240) - Vacuum Station No. 1 to extend the project completion date an additional 112 calendar days (total current contract time from 752 days to 864 days), and to increase the contract amount by \$71,488.

Staff: Jimmie Johnson, Utilities Director

SUMMARY: On August 12, 2021, the Village Council approved Task Orders No. 240, 266, and 278 with Hinterland Group, LLC for construction services for the Vacuum Station No. 1 Improvements Project for a total contract price of \$472,600.00.

During the construction phase of the Vac Station stairwell, it was discovered that there were existing non-village utilities consisting of an FPL electrical service and AT&T phone service lines in conflict with the proposed stairwell location. The electrical service was required to be relocated outside the stairwell footprint and the phone lines resulted in old, abandoned lines that were no longer in use which were removed.

The construction plans were revised to show the relocated route of the electrical service and Hinterland Group, Inc. (Contractor) was issued a work directive to do the work on time and materials per contract requirements.

Note: The project has already experienced several delays due to supply chain issues and permitting issues with the Palm Beach County Building Department.

Later, another issue surfaced when the Contractor proceeded to install a waterproofing product that had not been approved by the Engineer of Record (EOR), CHA Consulting, on the stairwell footer and existing Vac Station wall. The

drawings called for a vinyl water-stop at the footer which the Contractor failed to install before it was poured, and a water-stop membrane was improperly installed on the wall. A stop work order was issued until proper documentation was submitted by the Contractor to the Engineer of Record for their review and approval. A determination would need to be made on what product to use on the footer now that it has already been poured. After the Engineer of Record consulted with a waterproofing rep, a directive was issued to the Contractor to remove the improperly installed waterproofing and to install the submitted approved waterproofing product per the manufacturer's specifications and with the Engineer of Record's inspection/approval. All this additional effort caused the Engineer of Record to spend time and resources that were not part of their original contract. Therefore, to cover these additional costs, the Village will enforce the section in the Contractor's contract in the General Conditions, Article 14.03, "Defective Work", which states that costs incurred by the Engineer of Record due to defective work by the Contractor, can be charged back and paid for by the Contractor.

The Village's contracted engineer, CHA Consulting, Inc., and the Utility department are requesting an amendment to the contract for Task Order No. 240 (Change Order #4) of \$71,488.00 for the following items: Additional construction services via WD #1 (\$84,656.00), a deduction for additional engineering services by CHA Consulting, Inc., (-\$13,168.00) for defective work, and an extension of contract time for an additional 112 calendar days for work performed under WD #1 (total contract time from 752 days to 864 days).

Note: Copies of the previous three (3) change orders are available in the clerk's office if required.

Fiscal Impact:

<u>Item</u>	<u>Contract Amount</u>	<u>Contract Time / Add'l Days</u>
Original Contract Amount	\$472,600.00	240 days
Approved CO #1	-\$51,549.95	0 days
Approved CO #2	\$0.00	290 days
Approved CO #3	\$0.00	222 days
Proposed CO #4	<u>\$71,488.00</u>	<u>112 days</u>
Revised Contract Amount	\$492,538.05	864 days

If approved, the total cost of the Vacuum Station No. 1 Improvements Project within Task Order No. 240 will be increased to \$492,538.05, and the total contract time will be increased to 864 days.

If approved, it is estimated that the proposed Vacuum Station No. 1 Project will be completed by January 4, 2024.

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 the proposed costs above the budgeted amount will be completed within the Water & Sewer Enterprise Fund at a later date, if necessary.

11. Work Authorization No. SAK-U04 Trenchless Rehabilitation Services (Sewer Lining) (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - SAK Construction, LLC. Approve Work Authorization No. SAK-U04 with SAK Construction, LLC for the amount of \$279,839.00 for sewer lining and manhole rehabilitation for the Village's utility system. Funding to support purchases under this proposed agreement is available within the FY 2024 Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department must utilize trenchless rehabilitation services to line gravity sewer mains to reduce inflow and infiltration into the Village's wastewater system. Infiltration is water that leaks into the sanitary sewer system through cracks, broken joints, and holes in manholes and sewer pipes. Infiltration and inflow increase the Village's sewage transmission costs as these costs are based on the volume of liquid measured by flow meters at the point where sewage leaves the village collection system. In addition, infiltration and inflow consume part of the Village's fixed sewage treatment capacity which would otherwise be available for new sewer customers. For these reasons, it is important to annually seal those portions of the village's sewage collection system which are experiencing significant infiltration and inflow. Village staff have identified 5,071 linear feet of cured-in-place pipelining and 243 vertical feet of manhole rehab that will be completed. The total cost for the identified areas of sewer lining and manhole rehabilitation is \$279,839.00.

Note: To ensure the lowest possible price, the staff recommends that the Village utilizes our existing agreement, which is a cooperative purchasing contract with SAK Construction, LLC. OMNIA Partners/Region 4 Education Service Center awarded that to SAK on March 1, 2022. This selection by OMNIA Partners was completed through a competitive selection process – RFP Trenchless Technology Rehabilitation and Related Products and Services (RFP No. R220402 – August 26, 2021).

The Village accepted SAK's pricing as approved under OMNIA Partner's contract including all terms, conditions, and pricing. The term of the proposed OMNIA Partner's contract would expire on February 28, 2025. The Village will not expend

more than the amount within the approved budget as it may be adopted/amended for each of these goods and services over the term of this contract. All original bid documents authorizing the cooperative purchasing contract with OMNIA Partners are available in the Village Clerk's Office.

The Village's Purchasing Code, Section 58-8. Cooperative Purchasing; provides the Village may participate, 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 made through a cooperative purchasing agreement are exempt from competitive selection purchase requirements outlined in this purchasing code. The Council must approve all village purchases from a cooperative purchasing agreement that may have a total value of more than \$35,000.00.

The approved FY 2024 Budget - Water & Sewer fund included \$280,000.00 for wastewater lining. If approved, it is estimated that the proposed project would be completed within 90 days (April 2023) following the Notice to Proceed by the Village.

The proposed project Work Authorization No. SAK-U04 was prepared by SAK Construction, LLC, and reviewed by the Assistant Utilities Director, Utilities Director, Finance Director, and the Village Attorney.

The Village has previously worked with the proposed vendor and has received excellent service and a quality product.

Fiscal Impact: Funding to support purchases under this proposed agreement is available within the FY 2024 Budget - Water & Sewer Enterprise Fund. The Village will not expend more than the amount in the approved Budget as it may be adopted/amended each year for those goods and services over the term of this contract.

12. Approve Quicklime Purchase Agreement - Cooperative Purchase Agreement - Utilities Department (FY 2024 Budget Funded) - Lhoist North America of Alabama, LLC.: Approve a Purchase Agreement with Lhoist North America of Alabama, LLC., by the City of Tamarac, the Lead Agency for the Co-op, for the purchase of quicklime. Funding is available within the FY 2024 Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department, throughout the year, has a need to purchase quicklime, which is a critical chemical component in the water treatment process that enables organic contaminants to be saturated and attach to sand that is used in the process; thus, providing a higher quality of water for our customers.

To ensure the lowest possible price, the staff recommends that the Village utilize the current Southeast Florida Governmental Purchasing Cooperative (Co-Op)

contract. The contract was awarded to Lhoist North America of Alabama, LLC., by the City of Tamarac, the Lead Agency for the Co-op, and was completed through a competitive selection process - Furnish, Deliver, and Discharge of Quicklime (Bid No. 24-36B - October 11, 2023).

The proposed price provided is as follows:

- Pebble Quicklime \$ 451.23/Ton

Note: This contract was completed as part of the Southeast Florida Government Purchasing Cooperative (Co-Op). The intent is to bring member cities together and combine their purchasing needs within the Co-Op to receive the best (lowest) price possible.

If approved, the Village would accept Lhoist North America of Alabama, LLC's pricing piggybacking the City of Tamarac's (Southeast Florida Co-Op) contract including all terms, conditions, and pricing therein. The term of the contract is set to expire on October 31, 2026, and may be renewed for one (1) additional three (3) year periods.

The Village will not spend 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.

The Village's Purchasing Code, Section 58-8. Cooperative Purchasing; provides the Village may participate, 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 made through a cooperative purchasing agreement are exempt from competitive selection purchase requirements outlined in this purchasing code. The Council must approve all village purchases from a cooperative purchasing agreement that may have a total value of more than \$35,000.00.

The proposed agreement has been prepared by the Village Attorney and reviewed by the Utilities Director, Assistant Utilities Director, and Finance Director.

The Village has worked with the proposed vendor previously and has received excellent service and a quality product.

Fiscal Impact: Funding to support purchases under this proposed agreement is available within the FY 2024 Budget - Water & Sewer Enterprise Fund. The Village will not spend 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.

13. Vehicle Purchases - Cooperative Purchases - Utilities Department (FY 2024 Budget Funded): Approve the purchase of three (3) Ford F-250 3/4 ton trucks with utility beds and two (2) Ford Mavericks for the Utilities Department utilizing the Florida Sheriff's Association (Bid FSA23-VEH 31.0 - October 1, 2023) for \$239,013.21. Funds to support this proposed vehicle purchase are available within the FY 2024 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 Florida Sheriffs Association & Florida Association of Counties contract awarded to various vendors (including Duval Ford). The Florida Sheriffs Association & Florida Association of Counties completed a competitive selection process – Pursuit, Administrative & Other Vehicles (Bid #FSA23-VEH31.0 - October 1, 2023). Bid documents are on file in the Office of the Village Clerk.

Within the FY 2024 budget, the Village Council approved \$250,000 to be used to purchase three

(3) Ford F-250 3/4 Ton Trucks with Utility Beds and two (2) Ford Rangers. The Ford Ranger was replaced with the Ford Maverick on the #FSA23-VEH31.0 contract. The cost of the five (5) vehicles is \$239,013.21.

If approved, the Village would accept Duval Ford'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, 2024.

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 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 the proposed purchase are available within the FY 2024 Budget - Water & Sewer Enterprise 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.

14. Vehicle Purchase - Piggyback Purchase - Utilities Department (FY 2024 Budget Funded): Approve the purchase of one (1) Ford Escape for the Utilities Department utilizing the Bradford County Sheriff's Office (Bid BCSO 22-27-1.0 - September 12, 2022) for \$31,288.81. Funds to support this proposed vehicle purchase are available within the FY 2024 Budget - Water & Sewer Enterprise Fund.

Staff: Paul Ward, Assistant Director of Utilities

SUMMARY: The Utilities Department needs to purchase a vehicle to support the collection of drinking water samples by the laboratory within the water treatment plant. To ensure the lowest possible price, the staff recommends that the Village utilize piggyback purchasing of the current Bradford County Sheriff's Office contract awarded to various vendors (including Duval Ford). The Bradford County Sheriff's Office completed a competitive selection process – Automotive Pursuit Vehicles, Light Truck, and SUV's, Medium Duty Vehicles and Equipment (Bid #BCSO 22-27-1.0 - September 12, 2022). Bid documents are on file in the Office of the Village Clerk.

Within the FY 2024 budget, the Village Council approved \$35,000 to be used to purchase one (1) Ford Escape. The Village has used the Florida Sheriffs Association & Florida Association of Counties contract to purchase vehicles in the past. However, the Ford Escape was not available as part of that bid this year.

If approved, the Village would accept Duval Ford's pricing by piggybacking the Bradford County Sheriff's Office contract, including all terms, conditions, and pricing. The term of the contract will expire on September 12, 2025.

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 Florida's 38 political subdivisions; 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 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 the proposed purchase are available within the FY 2024 Budget - Water & Sewer Enterprise 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.

15. Change Order #1 - Pratt WTP Generator Replacement (Task Order #296) - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - All Florida Contracting Services, LLC: Approve Task Order No. 296 with All Florida Contracting Services, LLC for RL Pratt Water Treatment Plant Generator Replacement. A notice to proceed was issued on October 5, 2022, with a contract time of 210 days to substantial completion and 240 days to final completion.
Staff: Jimmie Johnson, Utilities Director

SUMMARY: On July 21, 2022, the Village Council approved Task Order No. 296 with All Florida Contracting Services, LLC for RL Pratt Water Treatment Plant Generator Replacement. A notice to proceed was issued on October 5, 2022, with a contract time of 210 days to substantial completion and 240 days to final completion.

During the initial phases of construction, it was discovered that due to supply chain issues and material shortages there was a delay in receiving the generator being manufactured overseas, resulting in the generator being shipped after the original contract time expired on June 2, 2023.

The Village's selected contractor, All Florida Contracting Services, LLC (AFC), and the Utilities Department therefore are requesting an extension to the contract time for Task Order No. 296 (Change Order No.1) in the amount of 226 days.

Fiscal Impact:

<u>Item</u>	<u>Contract Amount</u>	<u>Contract Time / Add'l Days</u>
Original Contract Amount	\$380,200.00	240 Days
Proposed Change Order No 1	\$0.00	<u>226 Days</u>
Revised Contract Amount	\$380,200.00	466 Days

There is no fiscal impact to the project from Change Order No. 1. Upon approval, the new Substantial Completion date will be December 15, 2023, and the new Final Completion date will be January 15, 2024.

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.

End of Consent Agenda....

Mayor Smith offered the public an opportunity to comment on the Consent Agenda. There were no comments from the public.

Mayor Pro Tem Waller made a motion to approve the Consent Agenda and Vice-Mayor Brinkman seconded the motion. The said motion carried 5-0.

PRESENTATIONS

REGULAR AGENDA

16. Contract Agreement for Solid Waste and Recycling Collection Services - Public Works Department - Fiscal Year 2024 Budget - Sanitation & Recycling Fund - Waste Pro: Motion to approve staff's recommendation to enter into a contract agreement with Waste Pro for a negotiated amount of \$1,726,946.00 for a period of five (5) years, with an option to renew an additional three-year term for collection of Solid Waste and Recycling Services throughout the Village. Funding is available within the FY 24 Budget-Sanitation & Recycling Fund.

Staff: Timothy Crespo, Assistant Public Works Director

SUMMARY: The Village of Palm Springs must select a vendor to provide Solid Waste and Recycling Collection Services throughout the Village as the current contract expires March 2024. The new agreement will begin on April 1st, 2024 and will be for five (5) years with one (1) renewal option of three (3) years. The selected vendor will maintain current collection services for Village Single- Family, Multi-family, and Commercial accounts two times each week and once-a-week for vegetation waste, bulk items, and recycling.

The contractor will pay the Village a five percent (5%) franchise fee which shall be deducted from monthly bills. The contractor will also promote recycling through educational and promotional programs for recycling, and participate in at least two (2) promotional programs within the Village annually. This shall include promotional materials, educational curriculum for local schools, and events for community participation.

To ensure the selection of the best-suited vendor, the Village issued a Request for Proposal (RFP) on August 3, 2023, for Solid Waste and Recycling Collection Services throughout the Village. The Village utilized a Competitive Selection Purchase process under Section 58-5, Competitive Selection Purchase Requirements of the Village Code - Solid Waste and Recycling Collection Service (RFP No. 2023R-001 - September 5, 2023).

Interested solicitors were required to attend a mandatory pre-bid conference at Village Hall on August 17, 2023.

On September 8, 2023, at 4:00 p.m. Local Time, RFPs were required to get submitted for consideration. There were two (2) proposals received.

<u>Vendor</u>	<u>Total Bid</u>
Waste Pro USA	\$ 1,816,941.96
Waste Management	\$ 2,620,198.40

The Village Manager appointed six (6) members to the Solid Waste and Recycling Collection Service Selection Committee. The Committee included representatives from the Public Works Department, Utilities Department, Parks & Recreations, Code Enforcement, and Human Resources.

Note: The Utilities Department did not participate in the evaluation process due to an emergency.

The Selection Committee met on October 18, 2023, to review each proposal, and recommend the best proposer. Each company's proposal was evaluated and scored based on the letter of interest, qualifications, methodology, transition plan, price, and references. After reviewing the two (2) proposals received, the Committee selected Waste Pro.

The Village Attorney prepared a proposed agreement for Solid Waste and Recycling Collection Services. The Assistant Village Manager, Assistant Public Works Director, and Public Works Supervisor have reviewed the agreement and requested approval from the Council.

Within the Fiscal Year 2024 Budget - Sanitation & Recycling Fund, the Village Council approved \$1,726,946.00 in funding for these ongoing contractual services.

If approved, the Village would accept Waste Pro's terms, conditions, and pricing under the submitted RFP package and the proposed agreement. 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.

The Village has previously worked with the proposed contractor and has received excellent service and a quality product.

Fiscal Impact: Funding to support the Solid Waste and Recycling Collection Services Agreement proposal is available within the FY 2024 Budget - Sanitation & Recycling Fund.

Michael Wood spoke about the recommendation to approve an agreement with Waste Pro for Solid Waste and Recycling Collection.

He stated that the Village's agreement with Waste Pro expires on March 24, 2024. The Village must select a new vendor for its Solid Waste and Recycling Collection Services. The new agreement begins on April 1st, 2024, and will be for five (5)

years with one (1) renewal option of three (3) years. The selected vendor will maintain current collection services for Village Single-Family, Multi-family, and Commercial accounts two times each week and once-a-week for vegetation waste, bulk items, and recycling.

To ensure the selection of the best-suited vendor, the Village issued a Request for Proposal (RFP) on August 3, 2023, for Solid Waste and Recycling Collection Services throughout the Village. The Village utilized a Competitive Selection Purchase process under Section 58-5, Competitive Selection Purchase Requirements of the Village Code - Solid Waste and Recycling Collection Service (RFP No. 2023R-001 - September 5, 2023).

Interested solicitors were required to attend a mandatory pre-bid conference at Village Hall on August 17, 2023.

On September 8, 2023, at 4:00 p.m. Local Time, proposals had to be submitted for consideration. There were two (2) very good proposals received.

The Selection Committee met on October 18, 2023, to review each proposal, and recommend the best proposer. Each company's proposal was evaluated and scored based on the letter of interest, qualifications, methodology, transition plan, price, and references. After reviewing the two (2) proposals received, the Committee selected Waste Pro because it was more cost-effective. There is a moderate increase of 12% projected. Mr. Wood introduced Mr. Christopher Schulle, Division Manager of Waste Pro, and Evans Aubin, Route Supervisor to answer Council questions.

Mr. Schulle explained his attempt to be proactive when addressing problems and with the help of Mr. Aubin they make it happen.

Mayor Smith offered the public and Council an opportunity to speak further about the agreement.

Mayor Smith commented on Waste Pro's good service. She stated they do an excellent job with waste collection and recycling.

If approved, the Village would accept Waste Pro's terms, conditions, and pricing under the submitted RFP package and the proposed agreement. 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.

Council Member Ready made a motion to approve a Contract Agreement with Waste Pro (RFP2023R-001) for \$1,726,946 for five years. Vice-Mayor Brinkman seconded the motion. The said motion carried 5-0.

PUBLIC COMMENT

Mayor Smith offered public comment. There were no comments from the public.

PUBLIC HEARINGS

17. (Quasi-Judicial Hearing) Resolution No. 2023-52 - Commercial Planned Development Master Site Plan (SPR23-10) - Village Collection of Palm Springs - Northwest corner of 10th Avenue North & South Florida Mango Road: Motion to recommend approval to the Village Council for a Master Commercial Planned Development Site Plan (SPR23-10) to allow the redevelopment of the site to accommodate three (3) separate development projects on the portion of the property west of the Chase Bank building at the northwest corner of 10th Avenue North and South Florida Mango Road.

Staff: Iramis Cabrera, PZB Director

Mayor Smith announced again that Items 17, 18, and 19 were postponed. She asked if anyone from the public wanted to comment in general. At this point, Insight Studio, Agent for the Developer, commented. He stated that he received minor comments from Palm Beach County regarding the site plans. He asked the Council if they would postpone his items to the January 11, 2024, Village Council Regular Council Meeting (Public Hearings).

Vice-Mayor Brinkman made a motion to postpone Items 17, 18, and 19 to January 11, 2024, Village Council Regular Meeting. It was seconded by Council Member Schmitz. The said motion carried 5-0.

POSTPONED TO JANUARY 11, 2024, VILLAGE COUNCIL REGULAR MEETING

18. (Quasi-Judicial Hearing) Resolution No. 2023-53 - Site Plan Amendment (SPR23-12), Special Exception Use (PSSE23-06) and Hours of Operation Variance (PSV23-17) - Chick Fil A - 2625 10th Avenue North (Tract 2): Motion to recommend approval to the Village Council for a Site Development Plan Amendment (SPR23-12), Special Exception Use (PSSE23-06) and Hours of Operation Variance (PSV23-17) approval to allow the construction of a 6,111 square foot restaurant building within the Commercial General property located at 2625 10th Avenue North.

Staff: Iramis Cabrera, PZB Director

POSTPONED TO JANUARY 11, 2024, VILLAGE COUNCIL REGULAR MEETING

19. (Quasi-Judicial Hearing) Resolution No. 2023-54 - Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) - Chipotle - 2665 10th Avenue North (Tract 3): Motion to recommend approval to the Village Council for a Site Development Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) approval to allow the construction of 2,454 square foot restaurant building with outdoor seating area within the Commercial General property located at 2665 10th Avenue North.

Staff: Iramis Cabrera, PZB Director

POSTPONED TO JANUARY 11, 2024, VILLAGE COUNCIL REGULAR MEETING

20. (Second Reading) Ordinance No. 2023-11 - Village Code Amendment - Chapter 34 - Land Development - Article VI - "Land Use" - Division 6 "District Regulations" and Division 8 "Off- Street Parking and Loading": Approve Ordinance No. 2023-11 amending Chapter 34, "Land Development", Article VI, "Land Use" to clarify that hotel/motels are permitted special exception uses in the Commercial General and Division 8 "Off-Street Parking", to set forth minimum parking requirements for hotel/motels.

Staff: Iramis Cabrera, PZB Director

SUMMARY: In September 2019, the Village Council approved Ordinance 2019-12 to amend the Village Code - Chapter 34 - Article VI "Land Use" to provide supplemental regulations and expand allowances for permitted and special exception uses within the Commercial General (CG) zoning district.

The approved amendment included the addition of hotel/motel uses as a special exception within the CG district. While hotel/motel use was added as a special exception, it is prohibited within the same CG district.

Planning, Zoning, & Building staff request a housekeeping amendment to the Village Code - Chapter 34 - Article VI "Land Use" to delete the hotel/motel uses from the prohibited uses list within the Commercial General district.

Additionally, the staff requests minimum parking requirements for the hotel/motel uses, which the current code doesn't contemplate.

Note: The discrepancies between the Village's Land Development Regulations were noticed during a site plan review for a new proposed hotel on a property located within the CG district.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney.

The proposed ordinance was presented to the Planning & Zoning Advisory Board for their consideration during the November 14, 2023, regular meeting.

The proposed ordinance was approved on the 1st reading with some requested modifications by the Village Council on November 9, 2023.

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

The Village Clerk, Ms. Wynn read the advertisement statement on the record. Ms. Cabrera stated that the staff's presentation was completed at the First Reading

(November 9, 2023). Further, she added language about overnight parking when referring to nice cocktail restaurants and event halls.

The Village Attorney, Mr. Torcivia, read the title of the caption. Mayor Smith offered the public an opportunity to comment. There were no comments from the public.

Mayor Pro Tem Waller made a motion to approve Ordinance No. 2023-11, and it was seconded by Council Member Ready. The said motion carried 5-0.

21. (First Reading) Ordinance No. 2024-01 - Village Code Amendment - Chapter 74 - Traffic and Vehicles: Motion to recommend Approval to the Village Council of Ordinance No. 2024-01, to amend the Village Code of Ordinances Chapter 74, "Traffic and Vehicles", by adding Article IV "Truck Routes", to established approved truck routes in the Village's Municipal Boundaries; authorizing the Village Manager to install trucking signs; and, authorizing penalties for violations. Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Village staff is recommending amendments to the Village Code - Chapter 74 - Traffic and Vehicles, Article IV, to designate formal truck routes in order to mitigate adverse impacts on residential neighborhoods and local streets that were never intended to serve as commercial corridors.

An effort was taken to evaluate the roadway network and identify streets that are most appropriate for truck traffic and those streets on which truck traffic should be prohibited. The proposed truck routes were reviewed by Palm Beach County Traffic Engineering. The County considers any roadway depicted on the Thoroughfare Identification Map (TIM) to be eligible to serve as a truck route, but prohibits trucks on local, residential streets.

In general, the proposed Regulated Truck Route map designates state roads as primary truck routes, County TIM roads that are residential in character as secondary truck routes, 2nd Avenue North as "No Hazardous Cargo" due to the residential uses along its north side, and Village streets as being prohibited from regulated trucks. A regulated truck is defined as one which has a weight capacity of 10,000 pounds or more and 6+ tires. This definition includes some Class 3, medium duty flatbed trucks and box trucks, as well as "semi-trucks". Village streets will be posted with "No Thru Trucks Allowed" or "No Trucks" by the Public Works Department at key locations. Trucks that make deliveries along a Village residential street are exempted from the truck prohibition.

Notices of the proposed truck routes were mailed to sixty (60) commercial property owners and businesses, and the proposed Regulated Truck Route map was posted on the Village website. At this time, only one telephone call was received as a result of the mailing (from Phantom Fireworks) and no concerns were expressed. An informational brochure has been prepared to provide for business operators to share with truck drivers.

The proposed ordinance was prepared by the Assistant Village Manager and reviewed by the Village Attorney, Police Chief, Planning, Zoning and Building Director, and Public Works Director.

If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on January 11, 2024.

Note: A Business Impact Estimate was prepared pursuant to Sec. 166.041(4), Florida Statutes.

Fiscal Impact: The proposed ordinance has no direct fiscal impact on the Village.

A Business Impact Estimate was prepared pursuant to Sec. 166.041(4), Florida Statutes.

Mrs. Glas-Castro introduced Ordinance No. 2024-01. Village staff recommends amendments to the Village Code - Chapter 74 - Traffic and Vehicles, Article IV, to designate formal truck routes in order to mitigate adverse impacts on residential neighborhoods and local streets that were never intended to serve as commercial corridors.

An effort was taken to evaluate the roadway network and identify streets that are most appropriate for truck traffic and those streets on which truck traffic should be prohibited. The proposed truck routes were reviewed by Palm Beach County Traffic Engineering. The County considers any roadway depicted on the Thoroughfare Identification Map (TIM) to be eligible to serve as a truck route, but prohibits trucks on local, residential streets.

In general, the proposed Regulated Truck Route map designates state roads as primary truck routes, County TIM roads that are residential in character as secondary truck routes, 2nd Avenue North as "No Hazardous Cargo" due to the residential uses along its north side, and Village streets as being prohibited from regulated trucks. A regulated truck is defined as one which has a weight capacity of 10,000 pounds or more and 6+ tires. This definition includes some Class 3, medium duty flatbed trucks and box trucks, as well as "semi- trucks". Village streets will be posted with "No Thru Trucks Allowed" or "No Trucks" by the Public Works Department at key locations. Trucks that make deliveries along a Village residential street are exempted from the truck prohibition.

Notices of the proposed truck routes were mailed to sixty (60) commercial property owners and businesses, and the proposed Regulated Truck Route map was posted on the Village website. At the time, only one telephone call was received as a result of the mailing (from Phantom Fireworks) and no concerns were expressed. An informational brochure has been prepared to provide for business operators to share with truck drivers.

Mrs. Glas-Castro explained that Ordinance No. 2024-01 was related to the trucks that use Greenbrier Drive as a route.

Mayor Smith offered the Council and public an opportunity to speak. Mayor Smith asked about the definition of a truck. Mrs. Glas-Castro defined a truck as a vehicle that is 10,000lbs or more (ex. semi-truck, box truck and trailer). Council Member Ready asked who is responsible for damaged asphalt caused by the trucks. Mrs. Glas-Castro advised Council Member Ready that the burden becomes the Village unless fault from the trucks can be proven. Vice-Mayor Brinkman questioned the enforcement of traffic regulations on Cayman Drive. There were no comments from the public.

Village Attorney Torcivia read the title of the caption into the record.

Vice-Mayor Brinkman made a motion to approve Ordinance No. 2024-01 on First Reading. Council Member Ready seconded the motion. The said motion carried 5-0.

22. (First Reading) Ordinance No. 2024-02 - Moratorium on Qualifying Developments Under the Live Local Act: Motion to recommend approval to the Village Council of Ordinance No. 2024- 01 establishing a twelve (12) month moratorium on the acceptance, processing, and consideration of all applications for development orders, development permits, building permits, and zoning approvals for all proposed developments authorized under Florida Statute Section 166.04151(7) within the Village of Palm Springs' Municipal Boundaries; establishing procedures for early termination and extension of this moratorium; and providing for repeal of conflicting ordinances, severability, and an effective date.
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The State of Florida adopted the Live Local Act, which went into effect July 1, 2023, and is designed to increase the development of affordable housing throughout the State. The Act includes preemption of municipal authority and allows the development of affordable housing on commercial and industrial lands for "Qualified Developments". Of immediate concern, the Act places the burden of assuring the affordability of the units in the Village. The Village does not have an affordable housing program.

The Act also affects policies municipalities may enact to address housing. These changes are intended to align with the Florida Legislature's rewrite of section 420.0003, Florida Statutes, that deals with affordable housing. That section requires local governments to provide incentives, such as density bonus incentives, to encourage the private sector to be the primary driver for developing affordable housing:

1. Development Incentives: SB 102 makes a number of changes to sections 125.01055 and 166.04151, Florida Statutes, which preempts local

governments from enacting policies that would hinder the development of certain affordable housing projects - the changes sunset on October 1, 2033.

SB 102 requires local governments to make multi-family and mixed-use residential allowable uses in areas zoned commercial, industrial, or mixed use if at least 40% of the proposed development's multi-family residential rental units are affordable as defined under state law (for at least 30 years as Affordable Multi-Family Housing). SB 102 preempts local governments from taking a number of actions that might hinder the development of Affordable Multi-Family Housing. The amendments to these sections also remove the prohibition on developers of affordable housing from receiving funds from the State Apartment Incentive Loan (SAIL) Program, provided that 10% of the units are dedicated to affordable housing.

2. Local Government Administration and Affordable Housing: SB 102 amends sections 125.379 and 166.0451 to the Florida Statutes, and requires local governments to list real property owned in fee-simple by any dependent special district within that local government's jurisdiction that is appropriate for affordable housing, as well as requiring the inventory list of properties be publicly available on the local governments' websites.

SB 102 amends section 553.792 of the Florida Statutes, to require local governments to maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are required to be expedited on the local governments' websites.

3. Taxes: SB 102 aims to encourage the development of affordable housing by lessening the associated tax burden.

- Ad Valorem Property Tax Exemptions: SB 102 enacts two separate ad valorem tax exemptions available to owners of property used for Affordable Multi-Family Housing developments under sections 196.1978(3) and section 196.1979, Florida Statutes.

A taxpayer may only receive one of these exemptions.

- Sections 196.1978(3): Section 196.1978(3), Florida Statutes, makes portions of property in a multi-family project eligible for a tax exemption by deeming such property to be used for a charitable purpose, pursuant to certain eligibility criteria. This section requires that qualified property which is available to house those whose annual household income is above 80% and below 120% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA), or for households in a county that is not within an MSA, receive an ad valorem property tax exemption of 75% of the property's assessed value. However,

if the property is used to house those with income that does not exceed 80% of the median annual adjusted gross income for households within the MSA or county, then the property is 100% exempt from ad valorem property taxes.

- Section 196.1979: Permits local governments to adopt an ordinance exempting portions of property used to provide affordable housing by deeming the property as being used for a charitable purpose, pursuant to certain eligibility criteria. If all the residential units in a multi-family development are not affordable housing, then the property's exemption may be up to 75% of the assessed value of each residential unit providing affordable housing. If all the residential units are affordable, then the exemption may be up to 100% of the assessed value of the multi-family residential units providing affordable housing.

SB 102 enacts several more tax exemption and credit programs, along with state housing programs, pursuant to certain eligibility criteria.

4. Housing Policies SB 102 has a number of provisions that direct local governments to take action. For example, section 420.0003, Florida Statutes, encourages local governments to adopt ordinances to promote innovative housing solutions, such as utilizing publicly held land to develop affordable housing. That section also encourages local governments to engage in community-led planning, focusing on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development with preexisting public services. It encourages the development of policies that maximize high-density, high-rise, and mixed-use, as well as mixed-income projects. It even encourages the development of policies to modernize housing, specifically naming things such as tiny homes, 3D-printed homes, and accessory dwelling units.

There is a requirement for local governments to maintain on their website a policy containing procedures and expectations for expedited processing of those building permits and development orders to be expedited, pursuant to the Act. The Act does not specify what "expedited" means from a timeliness perspective, nor does it quantify the term (e.g., number of days prior to issuance of a permit, etc.).

Additionally, SB 102's amendments to sections 125.379 and 166.0451, Florida Statutes, encourage local governments to enact ordinances adopting best practices for surplus land programs. These best practices include establishing eligibility criteria for the receipt or purchase of surplus land by developers, making the process for requesting surplus land publicly available, and ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring the reversion of property not used for affordable housing within a certain time frame. Local governments that wish to enact an ordinance providing for an ad

valorem tax exemption under section 196.1979, Florida Statutes, will have to do so in accordance with the provisions and restrictions set out in that section.

SB 102 also directs certain state agencies such as the Florida Housing Finance Corporation to adopt rules relating to the ad valorem exemption available under section 196.1978(3), Florida Statutes. It directs the Florida Department of Revenue to adopt rules governing the administration of tax exemptions under sections 212.08 and 220.1878, Florida Statutes.

Based on all of these considerations, Village staff recommends that up to a 12-month moratorium be enacted in order to provide the necessary time for the staff to adequately interpret and work through the requirements of the new law. This would ensure our programs and regulations adhere to the requirements, so that we can properly review and process applications under the Live Local Act. This would also ensure that we properly administer and apply the new provisions for affordable housing, expedited permitting, tax exemptions and other provisions in a way that safeguards the public's health, safety and welfare.

What is a Moratorium?

Generally, moratoria in land use are temporary, legislatively enacted periods during which a local government stops giving some type of permit. Moratorium to allow local governments to ensure that a community's problems are not compounded during the time the local government needs to formulate and implement a policy response to an issue. Moratoria also prevents developers and landowners from racing to beat planned or imminent land use changes by carrying out development that is poorly planned or harmful to the community. By providing such assistance, moratoria give local governments more time to engage in sound planning practices.

Moratorium Being Proposed

The item for the Council's consideration is a 12-month temporary moratorium on the acceptance of applications for, the processing of, and the issuance of development permits and development orders within the Village's municipal boundaries for Qualifying Developments under the Act to allow time for the Village to review, study, hold public hearings, prepare, and adopt potential changes to its Code of Ordinances, Comprehensive Plan and/or its Land Development Regulations, as more particularly set forth above. The duration of the moratorium should be strictly limited to the time necessary for the Village to address the policy, code and program changes needed to implement the Act.

If approved on the 1st reading, the proposed moratorium ordinance will be presented to the Village Council for consideration on the 2nd and final reading on Thursday, January 11, 2024.

Fiscal Impact: The adoption of a moratorium does not have a direct fiscal impact on the Village.

Note: The proposed ordinance is required to ensure the village's compliance with state law, and is solely placing a temporary limitation on qualifying developments under the Live Local Act, and is therefore exempt from a Business Impact Estimate. Additionally, in its efforts to implement state requirements for affordable housing, the proposed ordinance does not have a direct economic impact on existing private, for-profit businesses in Palm Springs.

Mrs. Glas-Castro summarized Ordinance No. 2024-02. She referenced her presentation at the Local Planning Agency Meeting. Village Attorney Torcivia read the title of the caption into the record. Mayor Smith offered the Council and public an opportunity to comment further on Ordinance No. 2024-02.

There were no comments from the public. Mayor Pro Tem Waller noted that she supports the moratorium. She suggested that it is beneficial for the Village to not receive applications for twelve (12) months until there was clear direction with the legislature. She supports our attorney and staff's recommendation.

Council Member Ready made a motion to approve Ordinance No. 2024-02, and it was seconded by Council Member Schmitz. The said motion carried 4-1 (Vice-Mayor Brinkman dissenting).

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

The Village Manager, Mr. Bornstein reported that the launch of the Green Market on December 16, 2023, has been canceled due to bad weather. The Parks and Rec Advisory Board will have a joint workshop with the Council on January 25, 2024, at 6 p.m. to discuss the Parks Masterplan. They are encouraging public input. Also, on January 11, 2024, the Community Redevelopment Agency (CRA) will meet before the Council Meeting at 6 p.m., to discuss several items. Mr. Bornstein also mentioned that the Village intended to enter into a contract for the purchase of Faith Presbyterian Church (275 Alameda Drive) at the January 11, 2024, Village Council Regular Meeting.

Lastly, he thanked the staff for their show of passion during the holidays, from the holiday tree lighting to the lobby decorations, and the holiday party and festivities. He has received positive feedback from residents.

VILLAGE COUNCIL COMMENTS

At this point, Fire Chief Craig Spiegelhalter gave the Council the monthly statistics for the village. There was a total of 424 Fire Rescue Calls (322 of those calls were medical-related). He disclosed that 44 new employees were deployed to the field. Chief Spiegelhalter talked about the events they participated in, like Santa's Sleigh Ride, the Resident Leadership Academy.

The Council gave updates on their events. They enjoyed the Tree Lighting Ceremony. They really enjoyed the new ice-skating rink. It was a memorable moment for the residents and the kids, with a great turnout. The Santa Sleigh Ride received positive responses. The Council thanked all the departments that contributed.

Chief Ceccarelli talked briefly about the Stuff-a-Cruiser event. They received numerous donations from the community.

Vice-Mayor Brinkman discussed the Transportation Planning Agency (TPA) meeting. She announced that the Village had received a grant. She would like the Village to state what the plans are for the grant. Mayor Pro Tem Waller enjoyed the tree lighting. The only complaint she received was the slow service provided by the food truck. She also praised the Resident Leadership Academy. She enjoyed learning about the departments - especially Library Services and Fire Rescue.

The Council acknowledged the staff, especially the Clerk's Office and Maria Izzo, Administrative Assistant, for their hard work with the Resident Leadership Academy. They announced another academy would take place in 2024.

Johnnie Tieche - 305 Winged Foot Drive - Mr. Tieche complimented the Police Department on how things look good around the Village. The additional Code Enforcement Officer would be helpful. He also gave positive feedback about the Resident Leadership Academy.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 7:40 p.m.

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 December 14, 2023. Which minutes were formally approved and adopted by the Village Council on January 11, 2024.

Kimberly M. Wynn
Village Clerk

**NEXT REGULAR MEETING:
THURSDAY, JANUARY 11, 2024 AT 6:30 PM**