MINUTES
VILLAGE HALL - COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
JANUARY 11, 2024 AT 6:30 PM

CALL TO ORDER
Mayor Bev Smith called the Village Council Regular Meeting to order at 6:34 p.m. (Immediately following the CRA Meeting).

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

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Christy Goddeau, Village Clerk Kimberly Wynn, Assistant Village Manager Kim Glas-Castro, Planning, Zoning and Building Director Iramis Cabrera, Assistant Public Works Director Timothy Crespo, Parks and Recreation Supervisor II Garrett Pearson, Parks and Recreation Special Events Coordinator Emeric Jeancome, and Parks and Recreation Supervisor I Shaun Alkins.

INVOCATION
The Village Manager, Mr. Bornstein, led the invocation.

PLEDGE OF ALLEGIANCE
The Village Council Lead the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA
Village Manager Bornstein noted there were changes to Item 4, Approval of a Professional Services Agreement to Appoint Keith Davis Law Team as Special Magistrate (updated agreement that permits anyone from Keith Davis Law Team to act as Special Magistrate). Item #12 Resolution No. 2024-02 Contract for the Sale and Purchase of 275 Alemeda Drive (the Resolution is updated). Lastly, Item #16 (Quasi-Judicial Hearing) Resolution No. 2023-52 (Condition #6 on the Staff Report was updated for clarification).

Vice Mayor Brinkman made a motion to approve the agenda as presented and Council Member Ready made a second. The said motion carried 5-0.

CONSENT AGENDA
1. **December 14, 2023, Local Planning Agency Meeting Minutes:** Motion to approve the December 14, 2023, Local Planning Agency Meeting Minutes.
   Staff: Kimberly Wynn, Village Clerk

2. **December 14, 2023, Village Council Regular Meeting Minutes:** Motion to Approve the December 14, 2023, Village Council Regular Meeting Minutes.
   Staff: Kimberly Wynn, Village Clerk

3. **Appointment to the Planning and Zoning Advisory Board:** Motion for the approval of the appointment of Mr. Ralph Wiles to the Planning and Zoning Advisory Board as a Junior Alternate member to serve a three-year unexpired term ending on May 14, 2025.
   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: Currently, there is one (1) Alternate Board member vacancy on the Planning and Zoning Advisory Board.

   Mr. Ralph Wiles has applied for and expressed an interest in being more involved in the Village. If appointed, he would serve as a Junior Alternate Board member with an unexpired three (3) year term ending on May 14, 2025.

   If approved, there would be no vacancies on the Planning and Zoning Advisory Board.

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

4. **Approval of a Professional Services Agreement to Appoint Keith Davis as Special Magistrate:** Motion to appoint Mr. Keith Davis as the Special Magistrate and approve a Professional Services Agreement for the amount of two hundred dollars ($210.00) per hour. The term of the agreement is for one (1) year, with three (3) one (1) year extensions. The extensions may be exercised by the Village Manager on behalf of the Village. Funds to support this proposed service are available within the FY 2024 Budget - Professional Services - General Fund.
   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: The Special Magistrate for Code Enforcement is the person appointed by the Village Council to hold hearings and assess fines for code violations throughout the Village. Under the Purchasing Code Section 58-2 Exempt Purchases within the Village's procurement code, the selection of the Special Magistrate is considered exempt from the competitive selection purchase requirements.

   Mr. Keith Davis of Davis & Associates, P.A. is requested to be appointed as the Code Enforcement Special Magistrate to the Village for three (3) years, with three (3) and one (1) year extensions. The extensions may be exercised by the Village Manager on behalf of the Village.

The proposed agreement was prepared by the Village Attorney and reviewed by the Village Clerk.

Fiscal Impact: Funds to support this proposed service are available within the FY 2024 Budget - Professional Services - General Fund.

5. **Resolution No. 2024-01 - Adopt Fund Balance Policy for the General Fund and a Reserve Policy for Water and Sewer Enterprise Fund:** Motion to approve Resolution No. 2024-01 to establish a policy setting the target range of the Unappropriated Fund balance for the General Fund as recommended by the Governmental Accounting and Financial Standard Board (GASB) and establish reserves for working capital and Capital Construction in the Water and Sewer Enterprise Fund, providing for an effective date.
Staff: Rebecca Morse, Chief Financial Officer

SUMMARY: This resolution adopts a policy that sets the target range of unappropriated fund balance for the General Fund as recommended by the Governmental Accounting and Financial Standards Board (GASB) and creates reserves for Working Capital and Capital Construction in the Water and Sewer Enterprise Fund. Both policies are recommended to ensure stability for our customers and taxpayers.

The General Fund policy establishes a target range of 25-30% for unassigned fund balances based on the total General Fund Expenditure Budget (excluding transfers to other funds) for the upcoming fiscal year starting October 1st.

The Water and Sewer Enterprise Fund policy states that the Working Capital Reserve target should be at least 30% of the annual Operations and Maintenance Expenses (excluding depreciation, amortization, and interest expenses). The Capital Construction Reserve target should also be set at 20% of the system's net capital assets.

Fiscal Impact: These policies will stabilize the Village's reserves and assist in maintaining rate stabilization and protect the assets of the Village and our Water and Sewer utility.

6. **Approve an Annual Agreement (Retroactive) with Fifth Asset, Inc d/b/a DebtBook:** Motion to approve a retroactive annual agreement with Fifth Asset, Inc. d/b/a DebtBook in the amount of $23,200 over a three-year period effective from November 30, 2023 until October 1, 2026, to maintain ongoing leases and SBITA's. Funding for the renewal is available after a transfer from Council Contingency in the Fiscal Year 2024.
Staff: Rebecca Morse, Chief Financial Officer

SUMMARY: DebtBook is cloud-based debt and lease management software that simplifies and improves debt management. DebtBook is a software program that allows the Finance Department to manage debt and leases effectively in the cloud, improving efficiency, collaboration, transparency, and informed decision-making. In addition, finance can ensure compliance with the latest lease accounting standards such as Government Accounting Standards Board 87 (GASB-87).

The Village purchased a one-year license to use DebtBook Software for $5,850 effective November 1, 2022, to meet the reporting requirements of Government Accounting Standards Board (GASB) 87 lease accounting. That statement was effective for the fiscal year ending 2022. At that time, DebtBook included leasing and debt, with the new GASB Statement 96, effective for fiscal year that ended September 30, 2023, for Subscription Based Information Technology Arrangements (SBITA), DebtBook added this functionality, and the Village has utilized this new feature to capture, record and analyze potential SBITAs.

The staff recommends retroactive approval of a new agreement with DebtBook, from November 30, 2023 until October 1, 2026, to maintain ongoing leases and SBITA's. Under the Village Code of Ordinances, Purchasing Policy Section 58-2 (21), DebtBook Software qualifies as an exempt purchase as "Licensed computer software and services where competition is not reasonably available".

Fiscal Impact: The contract is paid annually. The total for three years is $23,200, year 1 is $6,800, year 2 is $7,500 and year 3 is $8,900. Funds to pay the renewal in fiscal year 2024 will be included in a transfer from Council Contingency.

7. **Approve an Extension of Computer Aided Dispatch (CAD) and Records/Evidence Management System Software Maintenance Agreement – Police Department (FY 2024 Budget Funded) – Global Software (TAC10):** Motion to approve Amendment No. 2 to the Master Purchase, License and Services Agreement for a total of $329,502.20 over five (5) years to provide and maintain Computer Aided Dispatch (CAD) and Records/Evidence Management System Software. Funds to support this proposed purchase are available within the FY 2024 Budget – Other Contractual Services.
Staff: Thomas Ceccarelli, Police Chief

SUMMARY: The Police Department entered into a Master Purchase License and Services Agreement with Global Software (TAC10) on November 8, 2018, to provide and maintain Computer Aided Dispatch (CAD) and Records/Evidence Management System Software. The Council approved Amendment 1 to the Master Purchase, License and Services Agreement that includes an annual auto-renewal. This amendment allowed for the continuation of service from July 2023-September 2023.

Amendment No. 2 to the Master Purchase, License and Services Agreement includes a bill cycle for the next five (5) years. This amendment would have an effective date as the last date signed on the agreement and automatically renewed annually. The maintenance of this software is critical to the daily policing operations within the Village and has been included within the FY 2024 budget –

Other Contractual Services.

If approved, the Village would accept Global Public Software terms, conditions and pricing as provided within the proposed Agreement. The term of the proposed maintenance agreement would be on an annual basis, automatically renewed annually.

Fiscal Impact: Funds to support this proposed purchase are available within the FY 2024 Budget – Other Contractual Services. The agreement clarifies the pricing and price increases for the next five years. 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.

8. **Approve Palm Beach County Mutual Aid Agreement - Palm Beach County Law Enforcement Agencies: Approve a Mutual Aid Agreement between Palm Beach County Law Enforcement Agencies and the Village's Police Department will be able to provide (and receive) support and assistance to police services and resources in response to intensive and emergencies, as well as ongoing, multi-jurisdictional law enforcement problems, to maintain public safety, peace, and property. The term of the agreement is effective until January 31, 2029. There is no direct fiscal impact on the Village.**
Staff: Thomas Ceccarelli, Police Chief

SUMMARY: The Police Department is recommending that the Village renew its participation within the Palm Beach County Law Enforcement Agencies Combined Operation Assistance and Voluntary Cooperation Mutual Aid Agreement with neighboring communities within Palm Beach County. The proposed Agreement would enable the Village's Police Department to provide (and receive) support and assist(ance) in the form of law enforcement services and resources to adequately respond to
intensive and emergency situations and for continuing, multi-jurisdictional law enforcement problems, to protect the public peace and safety and preserve the lives and property of the people.

Under the Florida Statutes, specifically the Florida Mutual Aid Act, law enforcement agencies can enter into a combined mutual aid agreement for the following:

1. Law enforcement service, which permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines.

2. For rendering assistance in a law enforcement emergency. There are no changes to the current PBC Mutual Aid Agreement.

Effective Date:
The proposed Mutual Aid Agreement would be effective upon execution and approval of all parties listed in the document and will continue until January 31,

2029. The current Agreement was approved on September 24, 2020, and is in effect until January 31, 2025.

The proposed new Agreement has been reviewed by the Police Chief and the Village Attorney and is recommended for approval.

Fiscal Impact: There is no direct fiscal impact to the Village as a result of the proposed Agreement.

9. **Approve a Piggyback Agreement with Sheriffs' Association & Florida Association of Counties for the Purchase of Six (6) Police Department Vehicles FY 2024 Budget - General Fund Allocated/Estimated Project Funding: Motion to approve a piggyback agreement with Sheriffs Association & Florida Association of Counties – Pursuit, Administrative and Other Vehicles (Bid #FSA23-VEH31.0 – October 1, 2023), for $278,944.32 for six (6) police vehicles to include outfitting the vehicles with emergency equipment and striping as needed. The term of the contract expires on September 30, 2024. Funds to support the purchase of the vehicles are available within the FY 2024 Budget - General Fund Allocated/Estimated Project Funding.**
   Staff: Thomas Ceccarelli, Police Chief

   SUMMARY: The Police Department must purchase vehicles to support the daily operational policing services and activities that are provided for our community. Staff recommends the Village piggyback the current Sheriffs Association & Florida Association of Counties contract to ensure the lowest possible price. The Sheriffs' Association & Florida Association of Counties contract was completed through a competitive selection process – Pursuit, Administrative and Other Vehicles (Bid #FSA23-VEH31.0 – October 1, 2023). The term of the contract expires on September 30, 2024.

   Note: A copy of the Sheriff's Notice of Final Award Pursuit/Administrative vehicles is on file in the Clerk's Office.

   Within the FY 2024 budget, the Village Council approved $345,000 to be used for the purchase of an estimate of seven (7) vehicles. The Police Department is requesting to purchase six (6) vehicles: four (4) - 2024 Chevrolet Tahoe 1500 marked vehicles for $197,650.72 ($49,412.68 per vehicle), one (1) – 2024 Chevrolet Tahoe 1500 unmarked vehicle for $54,693.60, and one (1) – 2024 Chevrolet Equinox unmarked vehicle for $25,822.10 from Garber Chevrolet. The remaining budgeted funds will be used to outfit the vehicles with emergency equipment and stripping as needed.

   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.

Fiscal Impact: Funds to support this proposed purchase are available within the FY 2024 Budget - General Fund Allocated/Estimated Project Funding: Amount FY 2024 Approved Budget - Vehicles - General Fund $345,000 FY 2024 the total vehicle purchase costs will be $341,237.56 for the purchase of six (6) vehicles: two (2) unmarked and four (4) marked 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.

End of Consent Agenda....

Mayor Smith called for public comment on the Consent Agenda. There was none.

Mayor Pro Tem Waller made a motion to approve the Consent Agenda, and Council Member Schmitz approved it. The said motion carried 5-0.

PRESENTATIONS

10. **Rec on the Moove Logo Contest Winner: Recognize Petra Germain, a student from G-Star School of the Arts, as the Rec on the Moove Logo contest winner.**
    Staff: Juan Ruiz, Parks and Recreation Director

    Mr. Pearson and Mr. Alkins talked about the new Rec on the Moove initiative that brings mobile parks and recreation activities to the neighborhoods in an effort to get children active. They held a contest for students at G Star School of Arts to create a logo for the initiative. The declared winner was Petra Germain's design with the winning logo. The Village designed shirts, Frisbees, bags, and other tokens to distribute to participants in the Rec on the Moove program. Mr. Pearson presented Ms. Germain with a certificate of recognition, and she took a picture with the Council.

11. **Presentation - 2023 Holiday Decorating Contest Winners**
    Staff: Juan Ruiz, Parks and Recreation Director

    SUMMARY: The Village received 29 entries to participate in the 2023 Christmas Decorating Contest. Numerous persons served as judges and visited each location between December 20, 2023, to evaluate each entry. Judges scored each entry, and the top 15 ranked entries were selected as winners.

    Fifteen (15) residential winners were selected. No commercial entries were submitted.

    - 25 Lake Arbor Drive
    - 305 Winged Foot Road
    - 309 Henthorne Drive

- 352 Pinehurst Road
- 356 Pinehurst Road
- 424 Santa Anna Drive
- 457 Santa Anna Drive
- 782 Springdale Circle
- 444 Los Altos Road
- 448 Los Altos Road
- 2860 Alice Drive
- 3220 Carol Avenue
- 357 Pinehurst Road
- 245 Davis Road
- 305 Henthorne Drive

The winners will each receive a $100 check presented to them by the Village Council. Mr. Pearson, Mr. Jeancome, and Mr. Adkins presented the Holiday Decorating Contest winners. Each winner received a check, certificate and a picture with the Council.

Fiscal Impact: Funding for the Christmas Decorating Contest Awards is available within the FY 2024 Budget - General Fund - Public Works - Trophies and Awards.

PUBLIC COMMENT

Mayor Smith offered the opportunity for public comment. There were no comments.

REGULAR AGENDA

12. **Resolution No. 2024-02 Contract for the Sale and Purchase of 275 Alemeda Drive: Motion to approve a Resolution of the Village Council of the Village of Palm Springs, Florida, authorizing the Mayor, or other Village Officials, to purchase real property located at 275 Alemeda Drive for the negotiated price of $2,100,000; and being more fully described in Exhibit "A" attached hereto; from Reverend D. Darius Bultenia, General Presbyter and Stated Clerk.**

    Staff: Michael Bornstein, Village Manager

    SUMMARY: The Village has expressed an interest in procuring real property located at 275 Alemeda Drive (PCN 70-43-44-18-37-060-0090). Reverend D. Darius Bultenia, General Presbyter and Stated Clerk is the official agent and owner's representative and has agreed to the terms and price for the purchase of the property. The objective is to acquire the site for municipal use.

    The staff is seeking the Village Council's authorization to proceed with the purchase of the property at the negotiated price of $2,100,000. The Village Attorney and the Village Manager have evaluated the terms of the agreement.

    The Assistant Village Manager, Mrs. Glas-Castro, introduced this item.

She explained that the Village had the desire to procure the property at 275 Alemeda Drive (PCN 70-43-44-18-37-060-0090). The Village and Church (property owner) negotiated a purchase price of $2.1 million. The item's purpose is to provide the Village Manager with the authority to proceed with the closing.

At this point, the Village Manager returned to the dais and discussed the intent and next steps of the purchase. He explained that the closing is expected in February.

Mayor Smith offered the public and Council an opportunity to comment. There were no further comments. Village Attorney Goddeau read the title of the caption to the record.

Council Member Ready made a motion to approve Resolution No. 2024-02, and Mayor Pro Tem Waller seconded the motion. The said motion carried 5-0.

13. **Village Manager Annual Evaluation: The Village Council will discuss their annual evaluation of the Village Manager, Michael Bornstein.**
    Staff: Kimberly Wynn, Village Clerk

    SUMMARY: The Village Council will conduct the annual performance evaluation of the Village Manager, Mr. Michael Bornstein.

    Mayor Smith introduced this item. Each of the Council Members summarized their evaluation of the Village Manager. They were pleased with employee morale and the changes around the Village. They agreed that the Manager deserved a 5% increase.

    Council Member Ready made a motion to approve the Village Manager Agreement with a 5% increase, and it was seconded by Council Member Waller. The said motion carried 5-0.

    Village Manager Bornstein gave comments. He appreciated the council and employees for their hard work and support.

PUBLIC HEARINGS

14. ***(Second 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 that 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.

The proposed ordinance was approved on 1st reading at the December 14, 2023, meeting, and is being presented for 2nd and final reading.

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

The Village Clerk, Ms. Wynn, read the statement of advertisement on the record. The Village Attorney, Ms. Goddeau, read the title of the caption to the record.

Assistant Village Manager Glas-Castro advised that the staff presentation was presented on First Reading (December 14, 2024). There were no additional comments from the community about Ordinance No. 2024-01. The 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. The proposed truck routes were reviewed by Palm Beach County Traffic Engineering.

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.

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

Mayor Smith offered the public an opportunity to comment. There were no comments from the public. Vice Mayor Brinkman and Council Member Waller expressed their support of Ordinance No. 2024-01.

Vice Mayor Brinkman made a motion to approve Ordinance No. 2024-01 and Council Member Schmitz seconded the motion. There was a roll call vote with Vice Mayor Brinkman - Yes, Mayor Pro Tem Waller, Council Member Schmitz, Council Member Ready and Mayor Smith. The said motion carried 5-0.

<u>Fiscal Impact:</u> 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.

15. <u>***(Second Reading)*** **Ordinance No. 2024-02 - Moratorium on Qualifying Developments Under**</u> <u>**the Live Local Act:**</u> **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 polices 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.

The Local Planning Agency considered the proposed moratorium at its meeting on December 14, 2023 and recommended approval.

The proposed moratorium ordinance was approved on 1st reading at the December 14, 2023 Council meeting and is being presented for consideration on the 2nd and final reading.

Village Clerk Wynn read the statement of advertisement on the record. Village Attorney Goddeau read the title of the caption on the record. The Assistant Village Manager, Mrs. Glas-Castro stated that staff's presentation was presented on First Reading, December 14, 2023. She explained that the State of Florida adopted the Live Local Act on July 1, 2023. It was 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.

She stated that Ordinance No. 2024-02 permitted a 12-month stay in development. It would allow the Village to update and create policies based on statues. 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.

Mayor Smith offered the public Council an opportunity to comment. Vice Mayor Brinkman reiterated her opposition to Ordinance No. 2024-02. She gave her reasons during the staff's initial presentation. The Council wanted to know if another ordinance would have to be brought forward to end the moratorium. Mrs. Glas-Castro explained that an Ordinance may be needed to end the moratorium.

Council Member Ready made a motion to approve Ordinance No. 2024-02 and Mayor Pro team Waller seconded the motion. There was a roll call vote with Vice

Mayor Brinkman - No, Mayor Pro Tem Waller - Yes, Council Member Schmitz - Yes, Council Member Ready - Yes and Mayor Smith - Yes. The said motion carried 4-1 (Brinkman dissenting).

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.

16. ***(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, Planning, Zoning and Building Director

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Commercial Planned Development Master Site Plan approval (**SPR23-10)** to allow the redevelopment of the site to accommodate three (3) separate proposed development plans on the property located on the northwest corner of Florida Mango Road and 10th Avenue North (directly west and north of the Chase Bank Building) (+- 8.61 acres).

Note: The proposed site was previously developed with a 4-story commercial office building of approximately 88,707 sq. ft. that was demolished in July 2023 and the newly constructed 4,081 sq. ft. Chase Bank building.

The proposed Commercial Planned Development (CPD) Master Site Plan provides for the following elements:

1. Perimeter landscape and compatibility features, including a privacy wall between the subject commercial parcel and abutting residential properties to the west, north, and east, and entry landscaping features at the entrance drives.
2. Shared access to the CPD from Florida Mango Road and 10th Avenue North, with internal access to future development parcels.
3. Shared infrastructure improvements.
4. Architectural Guidelines for the CPD provide a consistent theme throughout the

unified project through colors, materials, and architectural elements.
5. Open space (minimum 20%) based on the entire CPD.
6. The Master Sign Program for the CPD, which includes six (6) monument signs:

(Note: existing nonconforming signs will be removed and there are two (2) existing signs as part of the Chase Bank site).

If approved, the proposed Master Site Plan would provide for the consideration of the development of the property to the west and the north of the Chase Bank building and each site-specific site development plan will be processed separately and as depicted on the proposed master site development plan.

The Planning and Zoning Board considered this application during their November 14, 2023, meeting and recommended approval.

Staff supports the applicant's intent to move forward with the proposed redevelopment project, allowing the revitalization of the existing underutilized property.

Fiscal Impact: The proposed master site plan for the commercial planned development does not have a significant fiscal impact on the Village; however, it is expected to enhance the Village's assessed property valuation.

The Village Clerk, Ms. Wynn, swore in the applicants. The Mayor asked the Council to disclose their ex parte. There was none. Ms. Cabrera gave the staff presentation. She stated that Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") requested a Commercial Planned Development Master Site Plan approval (SPR23-10) to allow the redevelopment of the site to accommodate three (3) separate proposed development plans on the property located on the northwest corner of Florida Mango Road and 10th Avenue North (directly west and north of the Chase Bank Building) (+- 8.61 acres).

The site was previously developed with a 4-story commercial office building with approximately 88,707 sq. ft. that was demolished in July 2023 and the newly constructed 4,081 sq. ft. Chase Bank building.

Ms. Cabrera discussed the proposed Commercial Planned Development (CPD) Master Site Plan elements which includes:

1. Perimeter landscape and compatibility features, including a privacy wall between the subject commercial parcel and abutting residential properties to the west, north, and east, and entry landscaping features at the entrance drives.
2. Shared access to the CPD from Florida Mango Road and 10th Avenue North, with internal access to future development parcels.
3. Shared infrastructure improvements.
4. Architectural Guidelines for the CPD provide a consistent theme throughout the

unified project through colors, materials, and architectural elements.
5. Open space (minimum 20%) based on the entire CPD.
6. The Master Sign Program for the CPD, which includes six (6) monument signs.

The Applicant, Mr. Edwin Muller, Senior Project Planner with InSite Development (3601 PGA Blvd) talked about the old and new proposal plan. He discussed their presentation that was entered into the record.

He explained that the masterplan changed the right-of-way dedication. Palm Beach County approved their traffic plan. Mr. Mueller discussed the flow of traffic to the site.

Mayor Smith offered the public and Council an opportunity to comment. There were no comments from the public; the council asked if the restaurants would alleviate traffic. They also expressed their enthusiasm for more restaurants in the Village. Council Member Ready talked about homelessness around the Florida Mango area. It is hopeful that the positive changes will help. There are also better job opportunities.

Mayor Pro Tem Waller made a motion to approve Resolution No, 2023-52 and it was seconded by Council Member Schmitz. The said motion carried 5-0.

17. ***(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: Kimberly Wynn, Village Clerk

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Site Development Plan Amendment (SPR23-12) and Special Exception (PSSE23-06) approval to allow the construction of a 6,111 square feet restaurant building with a double drive-thru called Chick-Fil- A, at 2625 10th Avenue North.

On January 9, 2020, the Village's Council approved, under Resolution 2020-02, a Site Plan and concurrently a Special Exception Use to permit the construction of a 5,411 square feet convenience store building with an 8,613 square feet canopy accommodating twenty (20) fueling stations. The approvals for the property were extended through statutory extensions until November 5, 2024, when all building permit applications must be filed.

The applicant is requesting a Site Plan Amendment and Special Exception Use with one variance (within a Commercial Planned Development) to allow the construction of a 6,111-square-foot restaurant building with a double drive-thru on the 1.81-acre undeveloped property. The proposed site plan includes longer stacking to avoid negative impacts on the roadway system and/or main drive aisles, directional signage, and enhanced landscape buffers.

As part of the proposed Site Plan Amendment, the applicant is requesting a separate consideration from the Village's Council:

1) **PSV23-17** - A variance relief from Section 34-891(1) to allow the restaurant to start operations one (1) hour earlier (6:00 a.m.) rather than 7:00 a.m. as required by code.

Staff found the proposed Special Exception Use to be generally consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed use is generally consistent with the Land Development and zoning regulations and all other portions of the code. The proposed special exception use does not significantly reduce light and air to adjacent properties and would not be a deterrent to surrounding properties. The new project does not negatively impact natural systems.

The Planning and Zoning Board considered this application during their November 14, 2023, meeting and recommended approval. Resolution No. 2023-53 is a continuation from December 14, 2023, Village Council meeting.

The Planning, Zoning, and Building staff do not object to the proposed project and recommend conditional approval to facilitate the redevelopment of the property.

Fiscal Impact: The proposed project will enhance the area and expects to enhance the Village's assessed property valuation.

(Applicants were previously sworn in) Mr. Mueller with InSite Development requests an amendment to the site plan that was previously approved as a Race Trac gas station with 20 pumps. He explained the restaurant would have a double drive-thru will operate, so there is
no stacking.

He advised that on January 9, 2020, the Village's Council approved a Site Plan and concurrently a Special Exception Use to permit the construction of a 5,411 square feet convenience store building with an 8,613 square feet canopy accommodating twenty (20) fueling stations. Under Resolution No. 2020-02. The approvals for the property were extended through statutory extensions until November 5, 2024, when all building permit applications are required to be filled.

Mayor Smith offered the public and Council an opportunity to speak. There was additional discussion about the flow of traffic to avoid staking. Mayor Smith requested statistics on stacking. He talked about menu boards and minimal usage. He explained how employees would help with the flow of traffic in the drive-thru to avoid bottlenecks in the parking lot. There is a concern about stacking and parking at the location. Mr. Mueller explained that the restaurant meets the parking requirements. Vice Mayor Brinkman asked about the lot for pedestrians.

Council Member Ready made a motion to approve Resolution No. 2023-53, and it was seconded by Vice Mayor Brinkman. The said motion carried 5-0.

18. ***(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, Planning, Building and Zoning

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) approval to allow the construction of a 2,454 square feet restaurant with a drive-thru and an outdoor seating area called Chipotle, at 2665 10th Avenue North.

On January 9, 2020, the Village's Council approved, under Resolution 2020-09, a Site Plan and concurrently a Special Exception Use to permit the construction of 5,682 square feet of automotive service building with seven (7) service bays, within 1.3 acres. The approvals for the property were extended through statutory extensions until November 5, 2024, when all building permit applications must be filed.

Currently, the applicant is requesting a Development Plan Amendment and concurrently a Special Exception Use to allow the redevelopment of the property with the construction of a 2,454 square foot restaurant building with a drive-thru and an outdoor seating area on the 1.31 acre vacant within a Commercial Planned Development project. The proposed site plan includes longer stacking to avoid negative impacts on the roadway system and/or main drive aisles, directional signage, and enhanced landscape buffers.

Staff found the proposed Special Exception Use to be generally consistent with the goals,
objectives, and policies of the Village's Comprehensive Plan. The proposed use is generally consistent with the Land Development and zoning regulations and all

other portions of the code. The proposed special exception use does not significantly reduce light and air to adjacent properties and would not be a deterrent to surrounding properties. The new project does not negatively impact natural systems.

The Planning and Zoning Board considered this application during their November 14, 2023, meeting and recommended approval. This item is a continuation from the December 14, 2023, Village Council Meeting.

Based on the surrounding characteristics, staff recommended conditional approval of the proposed project to facilitate the redevelopment of the property.

(Applicants were previously sworn in) Mayor Smith asked the Council to disclose their ex parte communication and there was none.

Ms. Cabrera gave the staff presentation for Resolution No. 2023-54. She stated that the agent for the applicant, Insite Studio, for 10th Avenue Partnership LTD ("Applicant") requests a Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) to allow the construction of a 2,454 square feet restaurant with a drive-thru and an outdoor seating area called Chipotle, at 2665 10th Avenue North.

She stated that on January 9, 2020, the Village's Council approved a site plan under Resolution 2020-09, concurrently a Special Exception Use to permit the construction of 5,682 square feet of automotive service building with seven (7) service bays, within 1.3 acres. She said the applicant requests a Development Plan Amendment and concurrently a Special Exception Use to allow the redevelopment of the property with the construction of a 2,454 square foot restaurant building with a drive-thru and an outdoor seating area on the 1.31 acre vacant within a Commercial Planned Development project. The proposed site plan includes longer stacking to avoid negative impacts on the roadway system and/or main drive aisles, directional signage, and enhanced landscape buffers.

Ms. Cabrera said the proposed Special Exception Use is consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed use is generally consistent with the Land Development and zoning regulations and all other portions of the code. The proposed special exception use does not significantly reduce light and air to adjacent properties and would not be a deterrent to surrounding properties.

Mr. Mueller stated that the previous site was approved by a proposed Tire Kingdom. Unlike Chick-Fil-A, Chipotle is a one-lane drive-thru that will be used to pick up orders placed through the restaurant's mobile application. Mr. Mueller went through his PowerPoint and entered it into the record.

Mayor Smith offered the public and Council an opportunity to comment. Council Member Ready asked about the hours of the restaurant and was advised the hours were 11:00 am - 10:00 pm. The restaurant has indoor and outdoor tables with 54 seats that include high- tops. The restaurant meets the requirement of eighteen spots; however, Chipotle will have 24 spots. The restaurant will employ 10–12 employees per shift. Chick-Fil-A, the neighboring restaurant, will employ 20–30 employees.

Mayor Smith offered the public further comment. There was none. Village Attorney Goddeau read the title of the caption on the record.

Vice-Mayor Brinkman made a motion to approve Resolution No. 2023-54, and it was approved by Council Member Schmitz. The said motion carried 5-0.

<u>Fiscal Impact:</u> The proposed development will enhance the village's assessed property valuation. Additionally, the new construction may have a positive effect on neighboring properties.

ACTIONS AND REPORTS

19. **<u>USDOT Safe Streets and Roads for All (SS4A) Grant - $200,000:</u> Discuss a federal grant for Safe Streets and Roads for All (SS4A) that will be presented to the Village Council in the near future for consideration.**

Staff: Kimberly Glas-Castro, Assistant Village Manager

<u>SUMMARY</u>: On December 13, 2023, the U.S. Department of Transportation announced the awardees for the latest cycle of the Safe Streets and Roads for All (SS4A) grants. The Village was awarded a $200,000 Planning and Demonstration Grant for the preparation of a transportation safety action plan. The intent of this grant is to assist communities plan and design help for safer streets as part of USDOT's vision zero strategy. The Village also adopted a Vision Zero policy in November 2021.

<u>Note</u>: While the Village's Transportation/Mobility Plan (TPA), adopted in September 2021, contains components of a safety action plan, it does not fulfill all the requirements for a comprehensive safety action plan required for eligibility for SS4A Implementation Grants. TPA staff had recommended that the Village apply for the SS4A Planning and Demonstration Grant.

Upon completion of the safety action plan, the Village intends to apply for SS4A Implementation Grants to complete street projects, such as the proposed Davis Road and Greenbrier Drive intersection improvements that help to 1) enhance pedestrian and bicycle safety and 2) reduce vehicle speeds.

This $200,000 federal grant requires a $50,000 local match. Staff will be bringing forward a funding agreement at a future Council meeting.

Mrs. Glas-Castro introduced this item. She summarized what the Safe Streets and Roads grant would include. She explained that the amount of the grant provided to the Village is $200,000. The Village will match the amount up to $50,000.

Fiscal Impact: This $200,000 federal grant requires a $50,000 local match.

VILLAGE MANAGER COMMENTS

The Village Manager praised the Council for its evaluation and welcomed Ms. Godeau as the Village Attorney. He reiterated his appreciation for the employees and Department Heads.

VILLAGE COUNCIL COMMENTS

The Village Council wished everyone a Happy New Year. They welcomed the Village Attorney, Ms. Goddeau. Mrs. Schmitz expressed her pleasure at being part of the positive changes around the Village.

They also invited everyone to participate in the Rec on the Moove initiative. Vice Mayor Brinkman talked about cameras in the school zone to monitor speeding. They would function like Red Light Cameras. Tickets would be issued to speeders in a school zone. They thanked the staff for cleaning up the area after the holidays. They also wanted clarification on garbage pickup to get posted around the Village.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the Village Council Regular Meeting at 8:16 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 **January 11, 2024**. Which minutes were formally approved and adopted by the Village Council on **February 8, 2024.**

Kimberly Wynn

Village Clerk

NEXT REGULAR MEETING:
THURSDAY, FEBRUARY 8, 2024, AT 6:30 PM