MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE VILLAGE OF PALM SPRINGS, FLORIDA
MARCH 14, 2024 AT 6:30 PM

CALL TO ORDER

Mayor Bev Smith called the Village Council Regular Meeting to order at 6:30 PM.

ROLL CALL

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

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Christy Goddeau, Village Clerk Kimberly M. Wynn, Assistant Village Manager Kim Glas-Castro, Police Chief Tom Ceccarelli, as Sergeant-In-Arms, Planning, Zoning, and Building Director Iramis Cabrera, Utilities Director Jimmie Johnson, Assistant Utilities Director Paul Ward, Public Works Director Felipe Lofaso, Assistant Public Works Director Timothy Crespo, Assistant Parks and Recreation Director/Communications Lauren Bennett and Multi-Media Specialist Ben Kerr.

INVOCATION

The Village Manager, Mr. Bornstein, gave the invocation.

PLEDGE OF ALLEGIANCE

The Village Council led in the invocation.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

There were no Additions, Deletions, or Modifications to the Agenda.

Council Member Ready motioned to approve the Agenda as presented, and Mayor Pro Tem Waller seconded the motion. The said motion carried 5-0.

CONSENT AGENDA

Vice-Mayor Brinkman motioned to approve the Consent Agenda, and Council Member Schmitz seconded. The said motion carried 5-0.

1. **Resolution No. 2024-04 - Interlocal Agreement - Wastewater Service and Wastewater Facilities Cost Sharing - Amendment 1 - Utilities Department:** Motion for the approval of Resolution 2024-04 of an Interlocal Agreement between The City of Lake Worth Beach and the Water and Sewer Enterprise

Fund. The Agreement provides wastewater service and facilities cost-sharing services from September 30, 2023, until September 30, 2033, with two renewal options. *(STAFF HAS REQUESTED THAT THIS ITEM BE MOVED TO APRIL 11, 2024, VILLAGE MEETING)*
Staff: Kimberly Wynn, Village Clerk

SUMMARY: The Utilities Department is requesting the Village to renew an Interlocal Agreement with The City of Lake Worth Beach to provide wastewater service and wastewater facilities cost-sharing services. The Village has been in an Interlocal Agreement for these services for ten (10) years.

The original Interlocal Agreement between the City of Lake Worth Beach and the Village went into effect on March 27, 2013, and expired on September 30, 2023. The City of Lake Worth Beach has proposed the attached first amendment to the existing Agreement, which the Lake Worth Sub-Regional Board reviewed during meetings on November 8, 2023, and December 13, 2023.

If approved, the Agreement will commence for a ten (10) year term, retroactively commencing on September 30, 2023, and expiring on September 30, 2033, with two (2) additional ten (10) year renewal options remaining.

The amended Agreement includes the following changes that take effect during the 2024-2025 fiscal year.

- The Capital/Repair & Restoration Reserve Fund has been tentatively set at $2,500,000.00 by the board and shall be reviewed annually during budgeting.
- In case of emergency repairs to the shared wastewater collection system, a Catastrophic Fund will be established with a balance of $1,000,000.00 and reviewed annually during budgeting.

The proposed Interlocal Agreement was prepared by the Village Attorney and reviewed by the Lake Worth Sub-Regional Board, Assistant Utilities Director, and Utilities Director.

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

2. **February 8, 2024, Village Council Regular Meeting Minutes:** Motion for the approval of February 8, 2024, Village Council Regular Meeting Minutes.
Staff: Kimberly Wynn, Village Clerk

3. **Professional Services Agreement of Code Enforcement Special Magistrate Ms. Diane James- Bigot (FY-24 Legal - Other Professional Services):** Motion to approve the Professional Services Agreement of Code Enforcement Special Magistrate Ms. Diane James-Bigot with Law Offices of Diane James-Bigot for the amount of two hundred and ten dollars ($210.00) per hour. The Agreement is for

three (3) years, with three, one-year extensions. The Village Manager may carry out the extensions on behalf of the Village.
Staff: Kimberly Wynn, Village Clerk

SUMMARY: Ms. Diane James-Bigot, from the Law Offices of Diane James-Bigot, has been serving as the Village's Special Magistrate since April 11, 2019.

The Village is proposing to pay Ms. James-Bigot for her services as the Code Enforcement Special Magistrate at $210.00 per hour. However, Ms. James-Bigot will not charge for travel time to and from hearings.

The Village is requesting the reappointment of Ms. James-Bigot to provide alternate Special Magistrate services for three (3) years with three (3) one (1) year extensions. The Village Manager can exercise renewing the extensions on behalf of the Village.

Please note that according to Section 58-2 of the Village's procurement code, the selection of the Special Magistrate is exempt from the competitive selection purchase requirements.

The proposed Agreement has been prepared by the Village Attorney and reviewed by the Village Clerk.

Per Section 58-2. Exempt Purchases within the Village's procurement code, selection of the Special Magistrate is considered exempt from the competitive selection purchase requirements.

Fiscal Impact: Funding to support the Professional Services Agreement is available from Legal-Other Professional Services.

4. **Professional Services Agreement of Code Enforcement Special Magistrate Mr. William P. Doney - (FY-24 Legal - Other Professional Services):**
Motion to approve the Professional Services Agreement of Code Enforcement Special Magistrate William P. Doney with Caldwell Pacetti Edwards Schoech & Viator, LLP for the amount of two hundred and ten dollars ($210.00) per hour. The Agreement is for three (3) years, with three, one-year extensions. The Village Manager may carry out the extensions on behalf of the Village. Funding to support the Professional Services Agreement is available from Legal-Other Professional Services.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Mr. William Doney, associate with Caldwell Pacetti Edwards Schoech & Viator, LLP has served as the Village's Alternate Special Magistrate since October 8, 2015. If Mr. Keith David, Special Magistrate (appointed December 8, 2022), cannot perform his duties on scheduled hearing days, Mr. Doney will serve as the Village's Special Magistrate.

If approved, the Village would agree to compensate Mr. Doney as the Code Enforcement Alternate Special Magistrate for services provided in the amount of two hundred and ten dollars ($210.00) per hour. The Alternate Special Magistrate shall not charge for travel time to and from hearings.

Staff requests the re-appointment of Mr. Doney as an alternate to provide Special Magistrate Services to the Village for three years with three (1) one (1) year extensions. The Village Manager may exercise renewals on behalf of the Village.

Note: Under Section 58-2. Exempt Purchases within the Village's procurement code, selection of the Special Magistrate is considered exempt from the competitive selection purchase requirements. The proposed Agreement was prepared by the Village Attorney and reviewed by the Village Clerk.

Fiscal Impact: Funding to support the Professional Services Agreement is available from Legal - Other Professional Services.

5. **Resolution No. 2024-10 - Interlocal Agreement - Congress Avenue Sanitary Sewer Force Main Project - Palm Beach County:** Motion for the approval of an Interlocal Agreement with Palm Beach County for Congress Avenue Sanitary Sewer Improvements in the Community Redevelopment Agency (CRA) District. The Village and County will share the cost for the project.
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Village and CRA staff have been coordinating with Palm Beach County on concept designs for the extension of a sanitary sewer along Congress Avenue, north of Forest Hill Boulevard. Village Engineer, Holtz Consulting Engineers (Holtz), prepared three (3) drafts of the Basis of Design Report (BODR) for the sewer force main(s) design, which was finalized in August, 2023. The total costs of the proposed project to serve the Congress Avenue CRA district, generally north of Forest Hill Boulevard, are estimated at $7.9 million, which is more than double the original estimate prepared in 2019. As a result, Holtz included in the final report a “Phase 1” that meets the initial $3 million project estimate.

The proposed project is a partnership with Palm Beach County to facilitate redevelopment in the Congress Avenue District of the CRA. The lack of sanitary sewer was outlined in the Finding of Necessity Report for the CRA as one of the factors contributing to blight in the area, and limiting redevelopment potential. The CRA Community Redevelopment Plan identifies the sanitary sewer project as a priority for the corridor.

Village/CRA staff and Palm Beach County staff are proposing an Interlocal Agreement for Village/CRA-County Partnership based on the $3 million Phase 1 concept. The Interlocal Agreement provides for the following:

- The Village, and its engineers, will take the lead in the project and oversee the finalization of construction plans, hire the contractors and oversee the construction. The Village and County will share the costs of the project, up to $1.5 million each.
- The Village may utilize (piggyback) County contractors to install the improvements.
- The County will reserve sewer capacity (projected flow plus 25% buffer) to serve future redevelopment of the Congress Avenue corridor.

If approved, it is estimated that the finalization of construction plans, based on the BODR concept design, will take approximately six (6) months from the date surveying is complete, and construction is estimated to take approximately sixteen (16) months following the Notice to Proceed.

The proposed Interlocal Agreement has been prepared by the Village Attorney and reviewed by the Palm Beach County Attorney, Water Utilities Director, and Assistant County Administrator.

Fiscal Impact: The Village/CRA has budgeted $1.5 million for its portion of the project costs for Phase 1. 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 Agreement.

6. **Work Authorization No. HE-CRA2 - Congress Avenue Sanitary Sewer Force Main Project - Task Order No. 305 (FY24 Budget funded - CRA / General Fund) - Holtz Consulting Engineers:** Motion to approve Work Authorization HE-CRA2 with Holtz Consulting Engineers (Holtz) in the amount of $420,270 for professional engineering services related to the final design and construction oversight of the Congress Avenue Sanitary Sewer project (Task Order No. 305). Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Palm Springs Community Redevelopment Agency (CRA) is requesting approval of Work Authorization HE-CRA2 with Holtz Consulting Engineers (Holtz) for professional engineering services related to the final design and construction oversight of the Congress Avenue Sanitary Sewer project (Task Order #305).

The proposed project is a partnership with Palm Beach County to facilitate redevelopment in the Congress Avenue District of the CRA. The lack of sanitary sewer was outlined in the Finding of Necessity Report for the CRA as one of the factors contributing to blight in the area, and limiting redevelopment potential. The CRA Community Redevelopment Plan identifies the sanitary sewer project as a priority for the corridor.

Upon execution of the Interlocal Agreement with Palm Beach County pertaining to the shared funding of the sanitary sewer force main effort, Holtz will proceed with the coordination of surveying and geotechnical investigations necessary to finalize the construction plans, which are based on a Basis of Design Report completed in August 2023. It is estimated that the finalization of construction plans, based on the BODR concept design, will take approximately six (6) months from the date surveying is complete, and construction is estimated to take approximately sixteen (16) months following the Notice to Proceed.

Note: The Village/CRA will utilize County contractors familiar with PBCWUD construction standards via piggyback Agreement).

The Village Council is requested to approve Work Authorization HE-CRA2 (Task Order No. 305) to support all required professional engineering services and related tasks to the final design and construction of the sanitary sewer project, for a total of $420,270 over an estimated 26.5-month period.

The proposed Work Authorization HE-CRA2 was prepared by Holtz Consulting Engineers and reviewed by the Assistant Village Manager, Project Manager, and the Palm Beach County Water Utility Department Director.

Fiscal Impact: The Village/CRA has budgeted $1.5 million for its portion of the project costs for Phase 1, utilizing the general fund balance after the allocation of ARPA funds to other general services. 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 Agreement.

7. **Piggyback Agreement Emergency Vehicle Equipment - FY 2024 General Fund-Police Department Shyft Group Upfit Services Inc./ Strobes-R-Us:** Motion to approve a Piggyback Agreement with Broward County Sheriff's Office contract awarded to the Shyft Group Upfit Services Inc./Strobes-R-Us for $60,482.14 to purchase emergency vehicle equipment to install on four (4) 2024 Chevrolet Tahoe marked patrol vehicles and two (2) 2024 unmarked vehicles. Funding is available in the FY 2024 Budget - General Fund - Vehicles.
Staff: Thomas Ceccarelli, Police Chief

SUMMARY: The Police Department has a need to purchase and install equipment for its newly purchased vehicles to support the public safety services and activities that are provided by our Police Officers. To ensure the lowest possible price, staff is recommending that the Village continues to piggyback off the current Broward County Sheriff's Office contract awarded to the Shyft Group Upfit Services Inc./Strobes-R-Us.

This selection by the Broward County Sheriff's Office was completed through a competitive selection process – Emergency Equipment for Law Enforcement Vehicles – (RLI #23004AP – June 5th, 2023). Within the FY 2024 budget, the

Village Council approved $345,000 to be used for the purchase of six (6) police vehicles: (four marked police vehicles and two unmarked vehicles), with the associated graphics and equipment.

Through the Broward County Sheriff's Office bid, the Police Department was able to obtain a price of $60,482.14 to purchase the necessary emergency equipment and lighting to outfit the following vehicles:

- Four (4) 2024 Chevrolet Tahoe marked patrol vehicles $51,268.52
- Two (2) 2024 unmarked vehicles $9,213.62

If approved, the Village would accept Strobes-R-Us pricing by continuing to piggyback off the Broward County Sheriff's Office Invitation to Bid/ RLI #23004AP (Agreement by and between Gregory Tony, as Sheriff of Broward County, Florida and Strobes-R-Us, Inc., for Emergency Equipment for Vehicles for Broward Sheriff's Office) including all terms, conditions, and pricing therein. The term of the contract is set to expire on June 8th, 2026.

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.

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 equipment costs will be $60,482.14 for the purchase of emergency safety/lighting equipment for six (6) vehicles: four (4) marked and two (2) unmarked vehicles.

8. **Resolution No. 2024-06 - Adopt Revised Investment Policy:** Motion to approve Resolution No. 2024-06 that adopts a revised Investment Policy to include updates and the latest requirements of the Florida law enacted as of July 1, 2023, which includes minor changes to make the policy more up to date.
Staff: Rebecca Morse, Chief Financial Officer

SUMMARY: The Village updated its investment policy in February 2001, and a new update is required to include the latest requirements of Florida law enacted to F.S. as of July 1, 2023. This update also includes minor changes to make the policy more up to date.

The new policy affects how the Village invests funds, buys products and services, and works with certain vendors. It also requires financial institutions to make decisions based on each customer's unique risk factors and prohibits them from denying services based on non-quantitative factors.

Financial institutions must attest annually to comply with the new requirements, and qualified public depositories must also comply to avoid penalties. The Chief Financial Officer can verify compliance and impose penalties if necessary.

Fiscal Impact: No fiscal impact

9. **Resolution No. 2024-09 - Budget Transfer from Council Contingency FY 2024: Motion to approve Resolution No. 2024-09 for the Budget Transfer from Council Contingency in the amount of $97,340 to cover operational costs in multiple departments.**
Staff: Rebecca Morse, Chief Financial Officer

SUMMARY: Staff is requesting that the Village Council consider a $97,340 General Fund Budget Transfer from Council Contingency.

The proposed budget transfer, if approved, would amend the following department budgets based on actual and estimated cost projections through the remainder of the fiscal year:

- Administration - $4,625 to cover the Fall Employee Appreciation Luncheon, Leadership Training, and hosting the City Manager Luncheon
- Finance - $12,301 to cover the renewal of DebtBook Software services for GASB 87 and GASB 96 and provide funding for the telepresence robot
- Human Resources - $7,000 to cover HRCC consulting fees
- Library - $4,834 to cover new exterior cameras
- Special Events - $68,580 to cover the estimated cost for special events.

Additional information is available on the attached Budget

Transfer/Amendment Form. After this transfer, the Council Contingency

will have the remaining $302,660.

Fiscal Impact: This will reduce the Village Council budget by $97,340, and increase the following department budgets:

- Administration - $4,625

- Finance - $12,301
- Human Resources - $7,000
- Library - $4,834
- Special Events - $68,580
-

This does not impact on the total General Fund Budget.

10. **Change Order No. 1 – Lakewood Road West of Kirk Stormwater Improvements (Task Order No. 293) - Public Works Department (FY 2024 Budget Funded - Stormwater Enterprise/American Rescue Plan Act (ARPA) Funded - R & D Paving, LLC:** Motion to approve Change Order No. 1 for additional stormwater pipe replacement on Almar Road due to existing collapsing deteriorated storm pipe from structures S-12 to EX-17. If approved, the total cost of the Lakewood Road West of Kirk Stormwater Improvements within Task Order No. 293 will increase to $1,579,568.03 and 333 Days, a difference of $271,642.34 and 93 days.
Staff: Jimmie Johnson, Utilities Director

SUMMARY: On September 14, 2023, the Village Council approved Task Order No. 293 with R & D Paving, LLC, for the Lakewood Road West of Kirk Stormwater Improvements project, for $1,307,925.69.

Due to extended material lead times during the procurement process, the Village's Contractor, R & D Paving, LLC, requested an additional 70 days to be added to the contract time. This request is memorialized in R & D's Proposed Change Order (PCO) #002.

Additionally, during a pre-mobilization inspection on Almar Road, several sinkholes were noted along the north section of the stormwater drainage system where the new drainage pipe was to connect to the existing infrastructure. The Village's Project Management Team along with the Village's Engineer (DRMP, Inc.), the Public Works Director, and the Village's Contractor (R & D Paving), evaluated the condition of the existing corrugated metal pipe (CMP) and determined that the CMP has deteriorated and is failing in multiple locations. Removing and replacing the CMP from structure S-12 to EX-17 was recommended. The total cost for the additional stormwater drainage pipe is $271,642.34. An additional 23 days to complete this work has also been requested. This is memorialized in R & D's PCO #005.

The Village's contracted Contractor, R & D Paving, LLC, and the Public Works department are requesting an amendment to the contract for Task Order No. 293 (Change Order No. 1) in the amount of **$271,642.34** and an additional **93** days to the contract time for these additional services.

Fiscal Impact:

Item	**Contract Amount**
Original Contract Amount	$1,307,925.69.00
Original Contract Time (Days)	240 Days
CO No. 1 Contract Price Increase	*$271,642.34*
CO No.1 Additional Days	*93 Days*
Revised Contract Amount	**$1,579,568.03**
Revised Contract Time (Days)	**333 Days**

If approved, the total cost of the Lakewood Road West of Kirk Stormwater Improvements within Task Order No. 293 will increase to $1,579,568.03 and 333 Days.

Funding to support the Lakewood Road West of Kirk Stormwater Improvements project (Task Order No. 293) was provided by the Stormwater Enterprise Fund/ARPA Fund.

11. **Resolution No. 2024-05 - Community Development Block Grant (CDBG) - FY25 Annual Project - Lakewood Road Streetlight Project: Motion for the approval of Resolution No. 2024- 05, which authorizes the Mayor to sign an Interlocal Agreement with Palm Beach County. The Agreement will reimburse $125,051 from CDBG funds for the Lakewood Road Streetlight Project. This project is part of the FY25 Annual Project for Community Development Block Grant (CDBG).**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Village of Palm Springs has been designated as an "Entitlement City" for the past 10 years, and the estimated Community Development Block Grant (CDBG) allocation for FY24/25 is approximately $125,051.00.

To comply with HUD and CDBG requirements, the Village plans to install sixteen (16) decorative solar streetlights along the south side of Lakewood Road, using the projected FY 2025 CDBG funding allocation.

This is Phase 2 of a comprehensive streetlight program, which will include the balance of Lakewood Road and the Village at large.

Under the approved Interlocal Agreement with Palm Beach County, the Village is responsible for all aspects of the project.

Project bidding and selection are expected to be completed by the end of January 2025, with installation scheduled to begin by Spring 2025 and expected completion by July 2025.

The proposed project application was prepared by the Assistant Village Manager and reviewed by the Public Works Director.

The Staff is seeking the Council's approval to enter into an Interlocal Agreement with Palm Beach County for reimbursement of $125,501.00. The reimbursement will be used to install sixteen decorative streetlights along Lakewood Road under the Village's proposed CDBG project.

Fiscal Impact: The proposed FY24 CDBG allocation for the Village is estimated to be $125,051 and is requested to be approved to support the addition of streetlights along Lakewood Road, within the Village's CDBG Target Area.

12 **Approval of Reconstruction of Surficial Aquifer Well No. 9 Project Award (Task Order No. 262) - Invitation to Bid (ITB #2024B-003) - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - Florida Design Drilling, LLC.:** Motion to award ITB No. 2024B-003 - TO No. 262 to Florida Design Drilling for $1,341,275.00 to complete the reconstruction of Surficial Aquifer Well No. 9. Funding to support the Reconstruction of Surficial Aquifer Well No. 9 (Task Order No. 262) is available within the FY 2024 - Water and Sewer Enterprise Fund. An internal budget transfer or amendment to support this proposed cost above the budgeted amount will be completed within the Water and Sewer Enterprise Fund at a later date, if necessary.
Staff: Jimmie Johnson, Utilities Director

Summary: The Utilities Department has identified a need to reconstruct one (1) existing production well, Well No. 9. The work consists of reconstructing an existing production well, Well No. 9, including drilling, setting of casings and/or well screen, grouting, testing, well logging, video logging, acidization (optional), pump testing, formation water disposal system (including temporary piping and pumps), well facility disinfection, fencing, clearing and restoration of well site, new pump and motor including column pipe and appurtenances, well-head piping and appurtenances, flow meter, raw water main piping / tie-in, electrical and controls, site work and restoration.

To ensure the lowest possible price for these projects, the Village issued an Invitation to Bid (ITB No. 2024B-003) on December 21, 2023, for the reconstruction of one (1) existing production well, Well No. 9. This process was completed by the Village through a competitive selection process - Reconstruction of Surficial Aquifer Well No. 9 - (ITB No. 2024B-003) on January 23, 2024.

Within the Fiscal Year 2024 Budget - Water & Sewer Enterprise Fund and the Capital Improvement Plan (CIP), the Village Council approved $1,500,000.00 for the Reconstruction of Surficial Aquifer Well No. 9. As a result of the Village's ITB, the following single bid proposal was received:

Vendor	**Total Bid**
Florida Design Drilling, LLC.	$1,341,275.00

The Village's Purchasing Code - Section 58-5(4)a - Competitive Selection Purchase Requirements, provides that the Village Manager shall have the authority to reject any and all bids, proposals or other responses if he determines that it is in the best interest of the Village to do so.

After reviewing the one (1) bid received, the Village Assistant Director of Utilities, the Village Project Manager, the Village Attorney, and the Village's contracted engineer, Holtz Consulting Engineers, Inc., determined that Florida Design Drilling, LLC provided the lowest, responsible, and responsive bid. As a result, staff is requesting the Council to approve Task Order No. 262 in the amount of $1,341,275.00 to Florida Design Drilling, LLC.

If approved, the Village would accept Florida Design Drilling, LLC's pricing including all terms, conditions and pricing as submitted within their ITB proposal. 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.

If approved, it is estimated that the proposed Reconstruction of Surficial Aquifer Well No. 9 project is expected to be completed by April 2025.

The proposed Agreement was prepared by the Village Attorney and reviewed by the Assistant Village Manager, the Assistant Director of Utilities, the Village Attorney, the Village Project Manager, and the Finance Director.

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

<u>Fiscal Impact:</u> Funding to support the Reconstruction of Surficial Aquifer Well No. 9 (Task Order No. 262) is available within the FY 2024 - Water and Sewer Enterprise Fund. An internal budget transfer or amendment to support this proposed cost above the budgeted amount will be completed within the Water and Sewer Enterprise Fund at a later date, if necessary.

13. **Change Order No. 3 - Pratt Emergency Generator Replacement (Task Order No. 296) - Utilities Department (FY 2024 Budget Funded - Water & Sewer Enterprise Fund) - All Florida Contracting Services, LLC:** Motion to approve Change Order No. 3 to extend the contract time 106 days for completion due to the delay due of longer-than-normal lead times for the delivery of the generator, and the Contractor. The anticipated Pratt Emergency Generator Replacement Project is estimated to be complete by April 2024. An internal budget transfer or amendment to support the proposed costs above the budgeted amount will be completed within the General Fund and the Water & Sewer Fund at a later date, if necessary.
Staff: Jimmie Johnson, Utilities Director

SUMMARY: On July 7, 2022, the Village Council approved Task Order No. 296 with All Florida Contracting Services, LLC for construction services for the Pratt Emergency Generator Replacement Project for $380,200.00.

The project was originally delayed due to longer-than-normal lead times for the delivery of the generator, and the Contractor was issued an initial time extension of 226 days. The generator arrived and was installed last November, and all the work associated with it was completed.

Note: The contract initially included a steel muffler painted with high-temperature rated paint with the generator.

The Village has concerns about the long-term maintenance of the supplied muffler, which has peeling paint due to high temperatures and metal oxidation at the joints and connections, and has requested pricing to replace the current muffler with a stainless steel model. With credit for this upgrade to the existing damper, an acceptable price was submitted, approved, and processed via a change order (CO No. 2) for the stainless steel muffler. The muffler was ordered and is scheduled to be shipped sometime in March 2024. The work to replace the muffler will push the project's completion beyond the current contract date. Therefore, the Contractor requests a time extension of an additional 106 days.

The Village's contracted engineer, Holtz Consulting Engineers, Inc., and the Utilities Department are requesting an amendment to the contract for Task Order No. 296 (Change Order No. 3) to extend the project completion date by an additional 106 calendar days (bringing the total contract time from 466 days to 572 days).

If approved, the proposed Pratt Emergency Generator Replacement Project is estimated to be complete by April 2024.

Note: The original contracted work has been completed, and all payments have been made with the exemption of this additional work. The installed generator is currently in service at the plant.

All Florida Contracting Services, LLC submitted the proposed change order and was reviewed by the Village's Engineer, Holtz Consulting Engineers, Inc., the Assistant Village Manager, the Assistant Utilities Director, the Village Attorney, the Village Project Manager, and the Finance Director.

Fiscal Impact:
Funding to support Pratt Emergency Generator Replacement Project (Task Order No. 296) was provided by the Water & Sewer Enterprise Fund:

An internal budget transfer or amendment to support the proposed costs above the budgeted amount will be completed within the General Fund and the Water & Sewer Fund at a later date, if necessary.

End of Consent Agenda....

PRESENTATIONS

14. **Proclamation: Recognizing Florida Bicycle Month March 2024.**
Staff: Kimberly Glas-Castro, Assistant Village Manager

Mr. Bryan Ruscher, Deputy Director of Multimodal with PBC Transportation Planning Agency (TPA) representative gave comments. He commented on the bicycle month and how he bicycles from Palm Springs to West Palm Beach. Mayor Smith read the proclamation onto the record and presented it to Mr. Rauscher in celebration of the awareness event. The Assistant Village Manager, Mrs. Glas-Castro, explained that the Contractor is taking longer than expected. She talked about the expected date of completion. There was further discussion about a grant received by the Village to enhance multimodal transport like a bicycle path.

15. **Proclamation: Recognizing Irish American Heritage Month - March 2024.**
Staff: Kimberly Wynn, Village Clerk

Mr. Ben Kerr, Parks and Recreation Multimedia Specialist, played Happy Birthday on the bagpipes to honor Council Member Ready and Mayor Pro Tem Waller. Mayor Smith read the proclamation on the record and presented it to Mayor Pro Tem Waller.

PUBLIC COMMENT

Ms. Virginia Sauvietto, member of the Parent Teacher Association (PTA) talked about low parent participation at Palm Springs Middle School (PSMS). The "Lucky to Have You" special event on April 2nd. The event shows gratification to teachers for student success. She asked for support with fundraising from the residents.

Mr. James Auld, 3380 Lakewood Circle, requested a meeting with the Village Council to discuss the Oxygen project. He is not in support of the height and the increase. There is an influx of buildings and security issues. He also has a concern about the lighting and landscaping. He spoke with the previous Village Manager, Mr. Reade (Rich) to have a wall at the location. There is additional parking on a gravel lot. The Village Manager, Mr. Bornstein, will set up a meeting.

PBC Fire Rescue Chief Speighart provided the monthly fire rescue statistics for the Village of Palm Springs along with upcoming projects for the agency. Council Member Ready asked about the disposal of helicopters. He wanted to know if the agency donated the helicopters to less fortunate Fire Rescue stations. The Fire Chief explained that the helicopters are donated to other agencies with limited resources, but Palm Beach County was the ultimate decision maker.

REGULAR AGENDA

16. **Appointment of Voting Delegate(s) to the Palm Beach County League of Cities:** Motion to appoint one voting delegate and alternatives to the Palm Beach County League of Cities to serve a one-year term as a representative of the Village of Palm Spring.
    Staff: Kimberly Wynn, Village Clerk

    SUMMARY: Every year, the Palm Beach County (PBC) League of Cities requests that each municipality designate a voting delegate and an alternate(s) if so desired, to vote on behalf of the Village of Palm Springs at the League of Cities general membership, special membership, and general membership functions. The appointed delegate(s) vote on official business items at membership meetings.

    Currently, Mayor Smith is the voting delegate for the Village, and Vice-Mayor Brinkman, Mayor Pro Tem Waller, and Council Member Ready serve as the alternates.

    The Village Council is requested to appoint a voting delegate and alternate(s) to the PBC League of Cities.

    The Council reached a consensus to appoint Mayor Smith as the Voting Delegate, with each of the Council as alternates.

    Fiscal Impact: There is no direct fiscal impact on the Village.

17. **Change Order No. 3 - Replacement of Surficial Aquifer Well No. 10 (Task Order No. 296) - Utilities Department (FY 2023 Budget Funded - Water & Sewer Enterprise Fund) - Florida Design Drilling Corp.:** Motion to approve the reconciliation of Change Order No. 3 for credits for work not performed and the time extension due to delays beyond the Contractor's control.
Staff: Paul Ward, Assistant Utilities Director

SUMMARY: On July 7, 2022, the Village Council approved Task Order No. 296 with Florida Design Drilling Corp. for construction services for the Replacement of the Surficial Aquifer Well No. 10 Project for $380,200.00.

During the initial drilling of the well, the surrounding ground around the well started settling. Stabilization efforts were attempted to continue drilling but without any success. The Contractor ultimately was directed to abandon attempts to drill well and to stabilize the surrounding ground with compaction efforts in areas of loose soil.

Note: The existing Well No. 10 was grouted in during the well drilling process of the new Well No. 10 (No. 10A) and is no longer a working well.

The Contractor salvaged some of the purchased materials (e.g., well-head, etc.) and turned those over to the Village to utilize on upcoming well projects. The Contractor performed all restoration work and credited the Village for work not performed due to the settlement issues. Also, due to the time it took to address these issues and attempt solutions, the project went over the project contract time, and therefore, the Contractor is requesting additional time lost due to these delays.

Therefore, the Village's contracted engineer, Holtz Consulting Engineers, Inc., and the Utilities department request an amendment to the contract for Task Order No. 296 (Reconciliation Change Order No. 3) in the credit amount of ($262,375.38) for construction services not performed and to extend the project completion date by an additional 586 calendar days (total contract time from 300 days to 886 days):

If approved, the total cost of the Replacement of Surficial Aquifer Well No. 10 Project within Task Order No. 296 will be decreased to $757,513.97, the total contract time will be increased to 886 days, and the new completion date for the Replacement of Surficial Aquifer Well No. 10 Project will be February 28, 2024.

Florida Design Drilling Corp. prepared the proposed Change Order No. 3, and it was reviewed by the Village's Engineer, Holtz Consulting Engineers, Inc., the Assistant Village Manager, the Assistant Director of Utilities, the Village Attorney, the Village Project Manager, and the Finance Director.

Mr. Ward introduced this item. He explained that the Village Council approved

Task Order No. 296 with Florida Design Drilling Corp. for $380,200. During drilling. The surrounding ground settled, and attempts to stabilize it failed. The Contractor salvaged materials and credited the Village for work not done. Due to delays, the Contractor requested an amendment to the contract for Task Order No. 296 to credit amount of ($262,375.38) and an extension of the project completion date by 586 calendar days. If approved, the total cost of the project will decrease to $757,513.97, and the new completion date will be February 28, 2024. The project eventually had to be abandoned.

Council Member Ready made a motion to approve Change Order No 3, and it was seconded by Vice-Mayor Brinkman. The said motion carried 5-0.

Fiscal Impact: Funding to support the Replacement of the Surficial Aquifer Well No. 10 Project (Task Order No. 296) was provided by the Water & Sewer Enterprise Fund:

Item	**Contract Amount**	**Contract Time / Add' l Days**
Original Contract Amount	$994,949.00	300 days
Approved CO No. 1	-$16,059.65	0 days
Approved CO No. 2	$41,000.00	0 days
Proposed CO No. 3	- $262,375.38	586 days
Revised Contract Amount	**$757,513.97**	**886 days**

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 General Fund and the Water & Sewer Fund at a later date, if necessary.

PUBLIC HEARINGS

18. ***(Second Reading)* Ordinance No. 2024-03 - Village Code Amendment - Chapter 10 - Buildings and Building Regulations:** Motion to approve Ordinance No. 2024-03 to amend Chapter 10 to the Village Code of Ordinances which provides that the Florida Building Code is revised every three (3) years by the state and these codes establish the minimum construction standards for buildings and structures to protect public health, safety, and general welfare. Staff: Iramis Cabrera, PZB Director

SUMMARY: Planning, Zoning & Building Staff is recommending an amendment to the Village's Code of Ordinances (Chapter 10 - Buildings and Building

Regulations) by adopting, by reference, the new Florida Building Code, 8th Edition (2023), which will become effective within the State of Florida on January 1, 2024. The Florida Building Code is revised every three (3) years by the state, and these codes establish the minimum construction standards for buildings and structures to protect public health, safety, and general welfare. The 7th Edition of the Florida Building Code was adopted by the Village in 2021 (Ordinance No. 2021-01).

Additionally, the Village can provide/approve local amendments ("Chapter One Amendments") that are more specific than the Florida Building Code and are adopted concurrently to create consistency. These proposed amendments provide for local administrative regulations and requirements (i.e., enforcement mechanisms, interpretation/appeal procedures, etc.).

The Building Officials Association of Florida (BOAF) developed the proposed Chapter One Amendments as a template for local governments within Palm Beach County to address local regulations and requirements better. The Village's Interim Building Official, Wayne Cameron, served on the Advisory Board Subcommittee to develop the proposed recommendations/revisions to Chapter One of the new Florida Building Code.

As a result, the Florida Building Code, 8thEdition (2023), and the proposed "Chapter One Amendments" include amendments to the following construction standards:

- Roofing
- Energy
- Fire
- Plumbing
- Electrical
- Code Administration

Note: The Florida Building Commission updates the Florida Building Codes every three (3) years. If approved, the proposed Chapter One Amendments will be submitted to the Building Official Commission within 30 days of adoption.

The Planning & Zoning Board considered the proposed ordinance at its January 9, 2024, meeting and recommended approval.

The proposed ordinance was approved on the 1st reading by the Village Council on February 8, 2024.

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

The Village Clerk, Ms. Wynn, read the statement in the advertisement. The Village Attorney, Ms. Goddeau read the title of the caption on the record. Mrs. Glas-Castro stated that the staff presented their presentation at the First Reading.

Mayor Smith offered the Council and public an opportunity to comment. There were no comments from the public.

Vice-Mayor Brinkman motioned to approved Ordinance No. 2024-03 and Council Member Schmitz seconded. There was a roll call vote as follows: Vice-Mayor Brinkman - Yes, Mayor Pro Tem Waller - Yes, Council Member Schmitz - Yes, and Council Member Ready - Yes, and Mayor Smith - Yes. The said motion carried 5-0.

19. ***(Quasi-Judicial Hearing)* Resolution No. 2024-07 - Residential Planned Unit Development Site Plan (SPR24-02) with Two (2) Waivers - Palm Springs Townhomes East - 3820, 3838 and 3864 Gulfstream Road:** Motion to approve Resolution No. 2024-07 for the construction of 24 two- story townhouses on a 2.48 acre parcel at 3820, 3838 and 3864 Gulfstream Road. The application was submitted by Cotleur & Hearing, agent for Palm Springs Town Homes East, for a Residential Planned Development Site Plan (SPR24-02) with two (2) waivers and conditions. The townhouses will be constructed within four (4) buildings.
Staff: Iramis Cabrera, PZB Director

SUMMARY: Cotleur & Hearing, agent for Palm Springs Town Homes East, is requesting a Residential Planned Unit Development Site Plan (SPR24-02) to allow the construction of 24 residential two-story townhouses, utilizing the Gulfstream Road Overlay development regulation located on three parcels that make up the site currently within the Residential Multiple-Family zoning district at 3820, 3838 and 3864 Gulfstream Road.

The property is within the Gulfstream Road Overlay (GRO) and only applies to Residential Multi- Family zoned properties fronting Gulfstream Road between Lakewood Road and Lake Worth Road. The GRO objective is to encourage residential development projects, optimize the utilization of residential properties to create a neighborhood identity, and fulfill the objectives of the Palm Springs Community Redevelopment Agency. Redevelopment in the GRO shall utilize a Key West architectural style to establish a neighborhood identity, and projects that comply with the development standards of the GRO shall be eligible for and may be granted a density bonus by the Village Council with a maximum density of 10 dwelling units per gross acre.

Some regulations of the GRO provide the following:

- Use of Key West architectural style to establish a distinct neighborhood identity and create a sense of place (Gable-ends, raised seam metal roofing material or dimensional shingles, minimum two-foot overhang with

exposed or decorative truss-tails, design to distinguish each unit, etc.)
- Windows shall incorporate single-hung or double-hung windows with mullions in at least one of the window frames, decorative or functional shutters mounted on the side of each window, or utilizing a "Bahama" type shutter.
- The exterior wall finish shall have a clapboard appearance utilizing wood, vinyl, Hardie Plank type of siding, or a stucco finish.
- The building color shall be a tropical light-colored pastel, all units shall include a complementary accent color, and all trim shall be white.
- Building articulation. In multi-unit buildings, the facade should vary by articulating individual units, using different paint colors for each unit, or using other architectural treatments.
- At least 20 percent of the project site shall be designed for active or passive recreation activities.

The applicant proposes the development of a 2.48-acre parcel with the construction of 24 two-story fee-simple townhomes within four (4) buildings, utilizing the GRO development standards. The community will have two access driveways via the existing Gulfstream Road right-of-way. The buildings will be configured with three (3) two-story townhome structures, each building with six (6) attached units. The townhomes will be three-bedroom homes with a one-car garage and a driveway with space for one car. A centralized open grass area is proposed for lawn games and/or leisure time.

Additionally, the applicant is seeking the following waivers:

Waiver #1: The applicant requests a waiver relief from Sec. 34-1063(a)(1) to allow a sidewalk on one side of the private street - along the north side of the south entrance and the south side of the north entrance.

Waiver #2: The applicant is requesting a waiver relief from Sec. 34-162(b)(2) to reduce the required landscape buffer from 10' wide to 5' within 24 linear feet of the south and north property lines (at each end of the internal drive aisle).

The Planning & Zoning Board considered this application during their February 13, 2024, meeting and recommended approval.

The Planning, Zoning & Building Staff does not object to the Residential Planned Unit Development Site Plan and recommends conditional approval of the proposed project subject to the conditions listed on the Staff Report.

Mayor Smith asked the Council to disclose their ex parte communication. There was none. Statement of advertisement read on the record. The applicants were present to give testimony. Ms. Cabrera read the staff report on the record. Village Attorney Goddeau read the title of the caption on the record.

She stated that Cotleur & Hearing requested a Residential Planned Unit Development Site Plan (SPR24-02) to construct 24 residential two-story townhouses, utilizing the Gulfstream Road Overlay (GRO) development regulation located on three parcels that make up the site currently within the Residential Multiple-Family zoning district at 3820, 3838 and 3864 Gulfstream Road. The project is within the Gulfstream Road Overlay (GRO) and only applies to Residential Multi-Family zoned properties fronting Gulfstream Road between Lakewood Road and Lake Worth Road. The development will follow the Key West architectural style and the project is recommended for conditional approval by the Planning, Zoning & Building Staff.

The applicants presented their testimony and entered it into the record. She reiterated that parking is supported. There are four (4) two-story buildings that will be fee-simple townhomes. The building is about 21,428 SF. The proposed building elevations and site plan is compatible with Village requirements.

Mayor Smith offered the public and Council an opportunity to comment.

Council Member Ready asked about onsite property management. The Applicant advised that the Homeowner Association will be onsite and handle issues accordingly. Vice-Mayor Brinkman asked about a chain link fence around the perimeter. She would like to have the condition changed. She also asked about townhomes in the north and south are subjected to headlights. She suggested the installation of a gate that is four feet and the building 6 ft to the north and south are subjected to headlights so they would like to have installation 4 feet and building 6 feet. She is also suggesting a clause that the HOA is responsible for the enforcement of parking. The Village Attorney, Mrs. Goddeau stated the HOA has the burden to enforce parking.

Mayor Pro Tem Member Waller asked about a bench placed next to the trash can. The Applicant stated that the trash can is close to the bench for convenience. There was further discussion about the placement of the trash can. Mayor Smith asked if there was enough room for public safety vehicles to maneuver. Vice-Mayor Brinkman asked if garbage cans would be required to be stored in the back area and garage. Council Member Ready asked about the pricing of the properties. They are looking to make this affordable. Mayor Pro Tem Waller asked for clarification about the garbage can placement.

Council Member Ready motioned to approve Resolution No. 2024-07 as amended, and Vice-Mayor Brinkman seconded. The said motion carried 5-0.

20. ***(Quasi-Judicial Hearing)*** **Resolution No. 2024-08 - Residential Planned Unit Development Site Plan (SPR24-01) with Two (2) Waivers - Palm Springs Townhomes West - 3935 Gulfstream Road:** Motion to approve Resolution No. 2024-08 for a Residential Planned Unit Development Site Plan (SPR24-01) with two waivers and conditions for the construction of nine two-story fee-simple

townhomes on a 0.93 gross acre parcel at 3935 Gulfstream Road, submitted by Cotleur & Hearing, agent for Palm Springs Town Homes West, for construction of nine (9) residential two-story fee-simple townhomes, on a 0.93 gross acre parcel at 3935 Gulfstream Road.
Staff: Iramis Cabrera, PZB Director

SUMMARY: Cotleur & Hearing, agent for Palm Springs Town Homes West, is requesting a Residential Planned Unit Development Site Plan (SPR24-01) to allow the construction of 9 residential two-story townhomes, utilizing the Gulfstream Road Overlay development regulation for the Residential-Multifamily property located at 3935 Gulfstream Road.

The property is within the Gulfstream Road Overlay (GRO) and only applies to residential multi- family zoned properties fronting Gulfstream Road between Lakewood Road and Lake Worth Road. The GRO objective is to encourage residential redevelopment projects, optimizing the utilization of residential properties to create a neighborhood identity and fulfill the objectives of the Palm Springs Community Redevelopment Agency. Redevelopment in the GRO shall utilize a Key West architectural style to establish a neighborhood identity, and projects that comply with the development standards of the GRO shall be eligible for and may be granted a density bonus by the Village Council with a maximum density of 10 dwelling units per gross acre.

Some regulations of the GRO provide the following:

- Use of Key West architectural style to establish a distinct neighborhood identity and create a sense of place (Gable-ends, Raised seam metal roofing material or dimensional shingles, minimum two-foot overhang with exposed or decorative truss-tails, design to distinguish each unit, etc.)
- Windows shall incorporate single-hung or double-hung windows with mullions in at least one of the window frames, decorative or functional shutters mounted on the side of each window, or utilizing a "Bahama" type shutter.

The building color shall be a tropical light-colored pastel, all units shall include a complementary accent color, and all trim shall be white.

Building articulation. There shall be variation in the building façade of multi-unit buildings, which may be accomplished by articulating individual units, using a different paint color for each unit, or other similar architectural treatment.

At least 20 percent of the project site shall be designed for active or passive recreation activities. The applicant proposes the development of a 0.93-acre parcel with the construction of nine (9) two- story fee-simple townhomes within two (2) buildings utilizing the GRO development standards. The community will have access via the existing Gulfstream Road right-of-way. The buildings will be configured with two (2) two-story townhome structures (one building with three (3) attached units and one (1) building with six (6) attached units). The townhomes will be three-bedroom homes with a one-car garage and a driveway with space for one car. A centralized open grass area is proposed for lawn games and/or leisure time.

Additionally, the applicant is seeking the following waivers:

Waiver #1: The applicant requests a waiver relief from Sec. 34-1063(a)(1) to not provide a sidewalk on the entire north side of the main private street.

Waiver #2: The applicant requests a waiver relief from Sec. 34-162(b)(2) to reduce the required landscape buffer from ten feet to five feet wide within 90 linear feet of the south property line.

The Planning & Zoning Board considered this application during their February 13, 2024, meeting and recommended approval.

The Planning, Zoning & Building Staff does not object to the Residential Planned Unit Development Site Plan and recommends conditional approval of the proposed development subject to the conditions listed on the Staff Report.

Fiscal Impact: The proposed project is expected to have a fiscal impact on the Village as it would enhance the Village's assessed property valuation. Additionally, this project, if approved, would require various Village services that will result in increased expenditures to the Village.

Mayor Smith asked the Council to disclose their ex parte communication. There was none. Statement of advertisement read on the record. The applicants were present to give testimony. Ms. Cabrera read the staff report on the record. The Village Attorney read the title of the caption on record.

The applicant requests two (2) waivers

Mayor Smith offered the public and the council an opportunity to speak. Vice-Mayor Brinkman asked where the sidewalk would be located and the parking spaces. There were no comments from the public.

Vice-Mayor Brinkman asked how big the hedges were installed. She asked about the placement of the sidewalks in front of the building instead of at the side of the building.

Vice-Mayor Brinkman motioned to approve Resolution No. 2024-08, Council Member Schmitz seconded. The said motion carried 5-0.

ACTIONS AND REPORTS
There were no Actions and Reports

VILLAGE MANAGER COMMENTS
Dr. Jimmie Johnson gave an update about the Canal 9 sewage leak. He discussed mitigation and collaboration with several agencies. The Utilities Department, Public Works and Parks and Recreation worked fervently to keep everyone informed. There are eight random locations where sampling continues until the numbers are acceptable.

The Council asked about the level of e-coli in the water. The Staff advised that the numbers are not low enough to discontinue testing based on the Department of Environmental Protection (DEP). Residents are not encouraged to swim, or fish in the canals at this time. Sprinklers are not banned, but they are not encouraged. The Village Manager, Mr. Bornstein, complimented the staff and discussed follow-up meetings. Then, he introduced the new Public works Director, Felipe Lofaso.
Mr. Lofaso commented on his appreciation of the staff, and the level of commitment from everyone. Lastly, Mr. Bornstein discussed the status of legislative priorities and the Village's position.

VILLAGE COUNCIL COMMENTS
The Council wished everyone a Happy Birthday. The Council discussed events that they attended and upcoming events. Vice-Mayor Brinkman talked about the Boat Hammock and getting an update.

ADJOURNMENT
Hearing no further business, Mayor Smith adjourned the meeting at 8:03 PM.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **March 14, 2024**. Which minutes were formally approved and adopted by the Village Council on **April 14, 2024.**

Kimberly M. Wynn
Village Clerk

NEXT REGULAR MEETING: THURSDAY, APRIL 11, 2024, AT 6:30 PM (IMMEDIATELY FOLLOWING THE ANNUAL CRA MEETING)