COUNCIL MEETING MINUTES
VILLAGE HALL - COUNCIL CHAMBERS
226 CYPRESS LANE ▪ PALM SPRINGS, FLORIDA
NOVEMBER 14, 2024 AT 6:30 p.m.

CALL TO ORDER

Mayor Bev Smith called the Village Council Meeting to order at 6:31 p.m. (Immediately following the CRA Meeting)

ROLL CALL

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

Also present are Village Manager Michael Bornstein, Village Attorney Christie Goddeau, Village Clerk Kimberly Wynn, Police Chief Thomas Ceccarelli as Sergeant in Arms, Assistant Village Manager Kim Glas Castro, Planning, Zoning and Building Director Iramis Cabrera, Building Official Peter Ringle, Police Officer Frank Castro, Parks and Recreation Director Juan Ruiz, Police Officer John Gee, Assistant Director of Public Works Tim Crespo, Director of Utilities Jimmy Johnson, Director of Public Works Felipe Lofaso, Planning, Zoning and Building Tech II Ana G. Cadahia, and Finance Director Mara Frederiksen

INVOCATION

The Village Manager, Mr. Bornstein led the invocation.

PLEDGE OF ALLEGIANCE

The Village Council led in the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager Bornstein requested that Item #6 (Police Benevolent Association Tentative Agreement - Reopener be removed. He also requested that Item# 24 (First Reading) Ordinance No. 2024-09 - Chapter 10 - Building and Building Regulations Article II - FBC and Chapter 34 Chapter 34 Land Development Article II Floodplain Management, be moved to Item # 21.A. under Public Hearings.

Council Member Brinkman made a motion to approve the amended agenda, seconded by Mayor Pro Tem Schmitz. The said motion carried 5-0.

CONSENT AGENDA

1. **Approval of the October 10, 2024, Village Council Regular Meeting Minutes:** Motion for the approval of the October 10, 2024, Village Council Regular Meeting Minutes**.**
   Staff: Jane Worth, Deputy Village Clerk

2. **<u>Appointment to the Library Advisory Board:</u> Motion for the approval of Regular Member Robin Hughes' reappointment to the Library Advisory Board for a three-year term ending on May 14, 2027.**
   Staff: Kimberly Wynn, Village Clerk

   <u>SUMMARY:</u> Ms. Robin Hughes has expressed her interest in continuing to serve as a Regular Member and Chair of the Library Advisory Board. She has been an asset to the Board, and her appointment will be for a three-year term until May 14, 2027.

   <u>Note:</u> Ms. Hughes' appointment expired on May 14, 2024; however, due to a clerical error, her reappointment to the Library Board was overlooked.

   <u>Fiscal Impact:</u> No fiscal impact on the Village.

3. **<u>Approve Assignment Agreement - Assignment of Village Funds from the Opioid Litigation Settlements to Palm Beach County:</u> Motion to approve an Agreement to transfer or assign the Village's share of opioid settlement funds for $160,674.78 to provide abatement programs and activities.**
   Staff: Kimberly Glas-Castro, Assistant Village Manager

   <u>SUMMARY</u>: Staff recommends that the Village transfer or assign its share of opioid settlement funds to Palm Beach County, which has more resources to provide abatement programs and activities.

   In 2021, the Village joined with the State of Florida and other cities and counties as a non-litigating participant in the Florida Memorandum of Understanding, which provides a framework of a unified plan for the distribution and use of opioid settlement funds. The Florida Opioid Allocation and Statewide Response Agreement outlines eligible programs and activities for using the opioid settlement funds and the allocation to distribute to each government participant.

   The village staff has determined that it cannot effectively undertake an eligible program/activity that will abate the opioid epidemic and that its residents would be better served through the strategies and initiatives outlined in the Behavioral Health and Substance Use Disorder Plan 2024 and implemented by the County and its partners.

   The total settlement amount for the Village is $160,674.78 over eighteen years. The Village was scheduled to receive distribution amounts totaling $23,356.92, but the State has not remitted the funds to the Village. If approved, the previous distributions and all future funds will be transferred to Palm Beach County.

   <u>Note:</u> The Village had entered into an Interlocal agreement in March 2022 to support Palm Beach County being defined as a Qualified County and receiving and administering regional funds for the abatement of the effects of the opioid epidemic.

Fiscal Impact: The proposed transfer of the opioid settlement funds to the County does not have a fiscal impact because the Village has not determined an eligible activity for use of the funds. Opioid abatement programs and activities are provided by the County on a countywide basis.

4. **Resolution No. 2024-64 Budget Amendment: Motion for the approval of Resolution No. 2024- 64 to amend FY 24-25 Budget for the appropriation of the Village's necessary operating expenses from the Police Department to the Planning, Building and Zoning department and an appropriation of $500,000 utilizing a fund balance from the water and sewer fund to create a contingency account and create a GIS position during the fiscal year beginning October 1, 2024, and ending September 30, 2025. Amend the Stormwater fund to reallocate transfers from ARPA funds in the amount of $894,094 to the Public Works Department in the General Fund.**
   Staff: Mara Frederiksen, Finance Director

   SUMMARY: The staff has requested that the Village Council consider a $452,538 General Fund Budget transfer from the Police Department to Planning, Zoning & Building and an appropriation of $500,000 utilizing a fund balance from the Water and Sewer fund to create a contingency account and create a GIS position. The budget transfer would organizationally and financially move the funding sources from Police to Planning, Zoning, and Building for the Code Enforcement Department made up of five (5) full-time employees and one part-time employee.

   Additionally, the budget transfer creates a contingency fund for the Water and Sewer fund utilizing the appropriated fund balance to support operational business practices. From the contingency amount, utilities will be funding a GIS position that was previously appropriated in the IT department.

   Lastly, the budget transfer re-allocates ARPA funds from Stormwater to the General Fund.

   If approved, the proposed budget transfer would amend the following department budgets based on actual and estimated cost projections for the remainder of the fiscal year.

   * PZB - Increase $452,538
   * Police Department - Decrease $452,538
   * Public Works - Increase $894,094
   * Water and Sewer - Increase fund by $500,000 utilizing fund balance
   * Stormwater- Decrease ARPA Transfer by $894,094

   Fiscal Impact: The overall fiscal impact is a decrease in the Stormwater Fund in the amount of $894,094, an increase in the Water Sewer Fund by $500,000.00, and an increase in the General Fund Public Works Dept by $894,094. Additionally, a transfer from Public Safety to PZB in the amount of $452,538.

5. **<u>Service Employees International Union/Florida Public Services Union (SEIU/FPSU)</u> <u>Agreement - Full Contract (*TA*):</u> Motion to approve a Tentative Agreement (TA) with SEIU for a three-year agreement that is effective from October 1, 2024 – September 30, 2027. The impacts related to the proposed salary increases have been included within the approved FY 2025 Budget - General Fund.**
Staff: Ashley Saingilus, Human Resources Director

<u>SUMMARY:</u> The Village and SEIU have negotiated a Tentative Agreement (TA) for a new three (3) year agreement beginning October 1, 2024, and expiring September 30, 2027.

This year, the Village completed a review of its pay plan to ensure it is competitive in the market for starting salaries. The updated pay plan will bring all employees under the new minimum. All employees will receive a 3% raise effective October 1, 2024. Market adjustments and Across the Board increases will be retroactive to October 1, 2024.

<u>Note:</u> For FY 2025, employees who have "topped out" will be eligible for a 2% merit increase in the event they pass their annual evaluation.

SEIU members voted on the proposed contract on Friday, October 18, 2024. The results of the vote were 58-0. The contract will go into effect on October 1, 2024, upon Council approval.

<u>Fiscal Impact:</u> The impacts related to the proposed salary increases have been included within the approved FY 2025 Budget - General Fund.

6. ***<u>(REMOVED)</u>*** **<u>Police Benevolent Association (PBA) Tentative Agreement (TA) - Reopener</u> Motion to approve a Tentative Agreement (TA) with the PBA for a re-opener. Contingent upon approval, the PBA Collective Bargaining Agreement is effective as of October 1, 2024. The impacts related to the proposed salary increases have been included within the approved FY 2025 Budget - General Fund.**
Staff: Ashley Saingilus, Human Resources Director

<u>Summary:</u> The Village Council is requested to approve the proposed (PBA) Collective Bargaining Reopener with an effective date of October 1, 2024

This year, the Village conducted a review of neighboring Police Departments' starting salaries for Police Officers. This was completed to determine where the Village stood in the market compared to other agencies. The goal is for the Village to be competitive when hiring and retaining police officers. A review of the data confirmed the Village was the lowest in the market. Therefore, the starting pay has been increased from $60,021 to $70,019, which places the Village in a competitive position. Additionally, an increase to the salaries of all current Police Officers, Lieutenant, and Sergeants will be effective on October 1, 2024 (the first full pay period) and will be implemented after approval by the Council.

The Articles with significant changes from the previous contract are:

- Article 41
- Appendix "C" Salaries

Note: There will be no merit increases for FY 2025.

PBA members will vote on the proposed contract on a date to be determined. If the vote passes, the contract will go into effect on October 1, 2024.

Fiscal Impact: The impacts related to the proposed salary increases have been included within the approved FY 2025 Budget - General Fund.

7. **Resolution No. 2024-46 - FY 25 Budget Transfer from Fund Balance - Finance Department: Motion to approve Resolution No. 2024-46 for a budget transfer of $55,000 from the fund balance to carry forward unspent land acquisition costs in the Lake Worth Road District of the Palm Springs Community Redevelopment Agency and amend CRA Land Acquisition amounts with a repayable loan for $1,437,068 from General Fund.**
Staff: Mara Frederiksen, Finance Director

SUMMARY: The staff has requested that the Village Council consider a $55,000 transfer from the Fund Balance of Community Redevelopment Agency (CRA) and increasing the CRA land funds through a reimbursable loan from General Fund to Lake Worth CRA to $2,300,000 (an increase of $1,437,068).

If approved, the proposed budget transfer would amend the Lake Worth (LW) Road district's budget based on actual and estimated cost projections for the remainder of the fiscal year.

- Increase use of LW CRA Fund Balance $55,000
- Increase LW CRA Land by $1,092,068
- Increase LW CRA Improvements Other than Buildings $400,000
- Increase Transfer from General fund to CRA $1,437,068
- Increase General Fund Transfer to CRA $1,437,068
- Increase General Fund Appropriated Fund Balance $1,437,068

After the transfer, the appropriated fund balance will move from $787,329 to $842,329. It will also increase the LW CRA Land Amt to $1,900,000 and LW CRA Improvements to $440,000.

Fiscal Impact: Appropriate $55,000 of unused fund balance to cover Land Acquisition in the Lake Worth Road District Community Redevelopment Area. Additionally, transfer funding from the General Fund in the amount of $1,437,068 to cover Land Acquisition and Building Improvements for the 2nd Avenue N property.

8. **<u>Resolution No. 2024-53 - Design Build Agreement and One (1) LED Message Board Sign -</u> <u>(FY25 - Public Works - ARPA Funded) KENCO Signs & Awning, LLC:</u> Motion for the approval of Resolution No. 2024-53 to accept the recommendation of the Employee Selection Committee of KENCO Signs and Awning for the design, construction, and installation of new LED monument signs at key entry points over the next three years. As part of the FY25 Budget Approval, Capital Improvement Project Plan, $450,000 was adopted for all five signs over the life of the three-year project. $100,000 was approved for FY25 (ARPA - Funded - Account Number 01441-56300).**
   Staff: Felipe Lofaso, Public Works Director

   <u>SUMMARY</u>: The Village is enhancing wayfinding signage, with updated entryway marquee monument signs being a significant part of this initiative. On July 15, 2024, the Village accepted proposals from several vendors to design, construct, and install five new LED monument signs at key entry points over the next three years.

   The selection committee convened on August 21, 2024, to review ten submitted proposals and short-list three top-ranking vendors. On September 18, 2024, staff members met with the short-listed firms, who presented their designs. After the presentations, staff reviewed a scoring matrix and ranked the firms accordingly.

   The committee ultimately selected KENCO Signs and Awning and recommended awarding them the contract. Staff will negotiate pricing with the vendor for each monument sign over the three-year contract period. The project was adopted as part of the Village's Capital Improvement Program, and approval of the work for Years 2 and 3 is contingent upon the Council's annual approval of the appropriations. For Fiscal Year 2025, the Council approved a budget of $100,000 for the installation of the first sign at the Davis Road entrance to Village Hall, funded by the American Rescue Plan Act Fund.

   <u>Fiscal Impact:</u> A three-year contract with KENCO Signs and Awning will be negotiated, with pricing for each sign to be determined. The Council has approved a budget of $450,000 for the contract duration pending annual budget appropriations, with the FY25 allocation of $100,000 for the first sign (ARPA Funded, Account Number 01441-56300).

9. **<u>Authorize Extension & Renewal of Utility Billing Printing Services Contract - Utilities</u> <u>Departments (FY 2025 Budget Funded - Water & Sewer Enterprise Fund) - ENCO Utility</u> <u>Services Florida, LLC:</u> Motion for the approval to renew an agreement with ENCO Utility Service Florida LLC, using a piggyback with the City of Milton, Florida (RFP #2017.10.014 - Utility Billing Services). The proposed agreement would expire on April 1, 2025, and is automatically renewed for successive one (1) year periods. Funds to support this proposed service are available within the FY 2025 Budget -**

Water & Sewer Enterprise Fund.
Staff: Jimmy Johnson, Utilities Director

SUMMARY: The Utilities department needs bill printing and mailing services. These services allow the Utilities department to send utility bills, alerts, and notifications to customers regularly.

For the lowest possible price, the staff recommends that the Village piggyback the City of Milton contract awarded to Municode, which was later assumed by ENCO Utility Service Florida LLC, completed through a competitive selection process - Utility Billing Services (RFP #2017.10.014).

If approved, the Village would accept ENCO Utility Service Floria LLC's pricing by piggybacking the City of Milton's contract, including all terms, conditions, and pricing. The proposed agreement would expire on April 1, 2025, and is automatically renewed for successive one (1) year periods unless terminated by either party with written notice not less than one hundred twenty (120) calendar days prior to the expiration of the term in effect. The Village will only expend 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 or services from any State of Florida contract; agreements of any Florida political subdivision or from any other governmental entity (other than the Federal government); provided that the same or substantially similar goods or services were competitively solicited.

The Village Attorney prepared the proposed agreement, and the Utilities Director, Assistant Utilities Director, and Finance Director reviewed it.

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

Fiscal Impact: Funds to support this proposed service are available within the FY 2025 Budget - Water & Sewer Enterprise Fund.

10. **Resolution No. 2024-63 Equipment Purchase - Cooperative Purchase - Xylem - Utilities Department (FY 2025 Budget Funded): Motion to approve Resolution No. 2024-63 for a Cooperative Agreement with the Sheriff's Association & Florida Association of Counties Office that was completed through a competitive selection process (FSA23-EQU 21.0 – Equipment – October 1, 2023) to purchase four (4) portable Dri-Prime pumps for $261,147.40 from Xylem. Funds to support this proposed purchase are available within the FY 2025 Budget - Water & Sewer Enterprise Fund.**
Staff: Paul Ward, Assistant Director of Utilities

<u>SUMMARY</u>: The Utilities Staff needs to purchase portable Dri-Prime lift station pumps to support the daily operational utility services and activities that provide for our community. To ensure the lowest possible price, the staff recommends that the Village utilize cooperative purchasing of the current Sheriff's Association & Florida Association of Counties contract awarded to various vendors (including Xylem Dewatering Solutions, Inc.). During October 2023, the Sheriff's Association & Florida Association of Counties completed a competitive selection process for Equipment (Bid No. FSA23-EQU21.0). Bid documents are on file in the Office of the Village Clerk.

Within the FY 2025 Budget, the Village Council approved the purchase of four (4) portable Dri-Prime pumps for $300,000.00. The Utilities Department has obtained a quote from Xylem Dewatering Solutions, Inc. for $261,147.40 utilizing the Sheriff's Association & Florida Association of Counties' cooperative purchasing contract.

If approved, the Village would accept Xylem's pricing by utilizing the Sheriff's Association & Florida Association of Counties' cooperative purchasing contract, including all terms, conditions, and pricing. The term of the contract will expire on September 30, 2026.

Under Section 58-8 of the Purchasing Code, the Village may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for purchasing. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between government entities. Purchases through a cooperative purchasing agreement are exempt from this purchasing code's competitive selection purchase requirements. Village purchases that exceed $35,000.00 from cooperative purchasing agreements require Council approval.

The Utilities Director, Assistant Utilities Director, and Finance Director reviewed the equipment purchase proposal. The vendor has previously provided quality products and services to the Village.

<u>Fiscal Impact:</u> Funds to support this proposed equipment purchase are available within the FY 2025 Budget - Water & Sewer Enterprise Fund.

11. **<u>Resolution No. 2024-58 - Work Authorization No. 01 with WGI, Inc. for the architectural phase design services and construction management services for the Village Hall 2nd Floor Flex Space Buildout:</u>** Approve Work Authorization No. 01 with WGI. Inc., for architectural phase design services and construction management services. Funding from account number 01119-56200 to support Work Authorization No. 1, not to exceed $49,400.00.
Staff: Felipe Lofaso, Public Works Director

<u>SUMMARY</u>: The Village has identified the necessity for additional office space to support the continuous growth of staff at Village Hall. To meet both current and future space needs, the available

Flex Space on the second floor has been designated for this purpose, taking a long-term planning approach. The Village has contracted WGI, Inc. under the Continuing Services Contract 2024R-001 to oversee the architectural design and construction management for this project. A proposed Work Authorization No. 01 is being submitted, with the total cost not to exceed $49,400.00.

Fiscal Impact: Work Authorization No. 01 with WGI, Inc. is being funded from account number 01119-56200 (Task Order #364) at a cost not to exceed $49,400.00.

12. **Resolution No. 2024-60 Acceptance of a Grant Agreement - Parks & Recreation Department - Florida Department of Environmental Protection: Motion for the approval of a Grant Agreement with Florida Communities Trust, a Division of the Florida Department of Environmental Protection, for $854,000 to reimburse the Village for the costs associated with the acquisition of the property located at 275 Alemeda Drive.**
Staff: Juan Ruiz, Director of Parks and Recreation

SUMMARY: The staff requests the Village Council to accept a grant agreement for $854,000 from the Florida Department of Environmental Protection's Florida Communities Trust program that would reimburse the Village for the costs associated with acquiring the former First Presbyterian Church property. In exchange for the grant funding, the Village commits to redeveloping the property to meet the requirements of the grant and agrees to maintain the land as public park space. This acquisition is a critical component of the Village Commons Park redevelopment project, which will enhance recreational opportunities and community connectivity.

The Village Commons Park redevelopment project is a significant initiative designed to create a vibrant public space for residents and visitors. The property improvements specific to this grant agreement would include several amenities, such as:

1. A playground to engage children and families.
2. An outdoor picnic pavilion to support community gatherings and events.
3. A water feature to enhance the park's aesthetics and attract visitors.
4. Public seating areas provide relaxing spaces for all users.
5. Connectivity to the existing park-to-park connector trail along the eastern edge of Village Park will improve access and encourage non-motorized transportation.

The property at 275 Alemeda Drive is a key piece of land essential to expanding the park and integrating these new amenities. The $854,000 grant from the Florida Communities Trust will significantly reduce the financial burden on the Village for the acquisition.

Benefits of Accepting the Grant:

1. Financial Relief: The grant reduces acquisition costs, allowing the Village to reallocate funds to other essential areas of the redevelopment
2. Community Enhancement: Acquiring this property will expand the park and create valuable recreational spaces that promote health, wellness, and social interaction
3. Improved Connectivity: Integrating this property with the park-to-park connector project enhances pedestrian and bicycle mobility across the Village
4. Environmental and Aesthetic Impact: The water features and greenspace will beautify the area and foster environmental stewardship.

The staff recommends that the Village Council accept the $854,000 Florida Communities Trust grant funding. This commitment aligns with the Village's strategic goals to enhance public spaces, foster community engagement, and improve environmental sustainability. This project will serve as a long-term asset, benefiting residents and visitors for years to come.

Fiscal Impact: The Grant Agreement for $854,000 from the Florida Department of Environmental Protection's Florida Communities Trust program reimburses the Village for costs associated with acquiring the former First Presbyterian Church property at 275 Alemeda Drive.

13. **Resolution No. 2024-61 Award RFQ No. 2024R-003 – Design-Build Services for Village Commons Park - Parks and Recreation Department - Clear Span Structures, LLC: Motion for the approval of Resolution No. 2024-61 to award RFQ No. 2024R-003, to Clear Span Structures, LLC, for design build services for the development of the Village Commons Park. This project will enhance the community's recreational facilities by introducing potentially new structures, such as an outdoor event performance space, a gymnasium, picnic and playground amenities, and landscaping to promote outdoor activities, events, and community gatherings. Funding will be available from the FY25 General Fund - Parks and Recreation Department.**
Staff: Juan Ruiz, Director of Parks and Recreation

SUMMARY: In response to RFQ #2024R-003, the Village issued a request for qualifications seeking design-build services for the development of the Village Commons Park. This project will enhance the community's recreational facilities by introducing potentially new structures, such as an outdoor event performance space, a gymnasium, picnic and playground amenities, and landscaping to promote outdoor activities, events, and community gatherings.

Following a competitive evaluation process, Clear Span Structures, LLC was selected based on their qualifications, design approach, and relevant experience in park development projects. Clear Span, LLC. has demonstrated the capability to meet the Village's objectives while ensuring compliance with project timelines and budget constraints.

The Village received two proposals in response to the RFQ. A committee comprised of Village staff from multiple departments evaluated the submissions based on criteria such as:

Evidence of capability, experience and skill to perform the scope of work

- Evidence of successful past performance for similar projects
- Project understanding and approach
- Completeness and responsiveness of qualifications
- Evidence of adequate personnel to timely perform the project

Clear Span Structures, LLC., scored the highest in all categories and provided a comprehensive design-build solution tailored to the Village's needs.

Key Contract Terms -
The contract with Clear Span Structures, LLC. includes:

- Conceptual design services and pre-construction services. Approval of this agreement allows for the Village Commons Park improvement project to begin the initial conceptual and pre-construction services discussions with the contractor. Conceptual Design and the pre-construction services will be approved via a Task Order issued alongside the Design-Build agreement after staff have received the pre-construction services proposal at a later date.
- Staff envisions that once the Village Council has approved a final conceptual design then the project will move to the construction services phase. This agreement will then be amended. This is true whether the village pursues the construction of the project all at one time or constructing in a phased approach.

Based on Clear Span Structures, LLC., qualifications, past relevant experience and the overall fit with the Village's vision for the Village Commons Park, it is recommended that the Village Council approve the contract with Clear Span Structures, LLC. for design-build services.

The proposed agreement was prepared by the Village Attorney and reviewed by the Parks and Recreation Director, and the Finance Director.

Fiscal Impact: For the purposes of approving this RFQ award #2024R-003 there are no immediate fiscal impacts. Once the Village receives a proposal for pre-construction and design services from the contractor, staff will bring forward a task order and seek Council approval and inclusion in the Village’s 6-year Capital Improvement Program.

14. **<u>Resolution No. 2024-56 - Piggyback Agreement - Sago Palm Park Playground Replacement</u> <u>(Task Order No. 365) Parks and Recreation Department (FY 2025 - General Fund):</u> Motion for the approval of Resolution No. 2024-56 to approve a Piggyback Agreement through Volusia County Schools Contract (Bid No. MTS-906BC - Playgrounds and Related Equipment for $169,873.69 with Top Line Recreation, Inc. to install a new playground system with a shade structure at Sago Palm Park at 3301 10th Avenue North, Palm Springs. Funding is available from the (FY 2025 Funded - General Fund) Parks and Recreation Account.**
Staff: Juan Ruiz, Parks and Recreation Director

<u>SUMMARY</u>: Parks and Recreation are requesting approval of a contract award with Top Line Recreation, Inc. to install a new playground system at Sago Palm Park with a shade structure that will provide a greater play space for participants ages 5 to 12 years of age. This new playground will include play features that provide a fun and challenging play experience that will help children develop overall motor skills, dexterity, and hand-eye coordination; improve flexibility and balance; control their movement; build stronger muscles, and promote emotional and social skill-building.

To ensure the lowest possible price, the staff recommends that the Village piggyback off the current Volusia County Schools Contract awarded to Top Line Recreation, Inc. The selection by Volusia County Schools was completed through a competitive selection process - Playgrounds and Related Equipment (MTS-906BC). Through the Volusia County Schools Contract, Parks and Recreation could obtain a price of $169,873.69.

Installation of the playground system at Sago Palm Park was included in the FY 2025 Budget (01772-56300) - General Fund in the Capital Improvement Plan. The proposed purchase would consist of slides, climbing features, equipment that improves balance and spatial awareness, safety surfacing and shade elements, which will allow for protection from the Florida sun.

Sago Palm Park is the Village's most sought-after park for birthday parties and family outings. This playground is a key component of Sago Palm Park and will shape the imagination and memories of its users.

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

The Village Attorney prepared the proposed agreement and reviewed it with the Parks and Recreation Director and the Finance Director.

The Village received numerous recommendations for the vendor's excellent service and quality products.

Fiscal Impact: Funding to support this purchase is available within the FY 2025 Budget - General Fund.

Allocated/Estimated Project Funding:
Amount FY 2025 Approved Budget - General Fund - Sago Palm $175,000 Park Replacement Playground

15. **Approve a Piggyback Agreement with Sheriffs' Association & Florida Association of Counties for the Purchase of Fifteen (15) Police Department Vehicles FY 2025 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 #FSA24-VEH32.0 – October 1, 2024), for $575,026.80 for fifteen (15) police vehicles to include outfitting the vehicles with emergency equipment and striping as needed. The term of the contract expires on September 30, 2025. Funds to support the purchase of the vehicles are available within Account No. 1229-56400.**
Staff: Thomas Ceccarelli, Police Chief

SUMMARY: The Police Department needs to purchase vehicles to support the daily operational policing services and activities 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 were awarded a contract through a competitive selection process – Pursuit, Administrative, and Other Vehicles (Bid #FSA24- VEH32.0 – October 1, 2024). The term of the contract expires on September 30, 2025. A copy of the Sheriff's Notice of Final Award Pursuit/Administrative vehicles is on file in the Clerk's Office.

Within the FY 2025 budget Account #1229-56400, the Village Council approved $726,000.00 to purchase police vehicles. The Police Department is requesting to purchase the following:

- Eight (8) 2025 Ford Police Interceptor marked vehicles for $352,928.00 ($44,116.00 per vehicle) from Garber Chevrolet
- One (1) 2025 Chevrolet Equinox unmarked vehicle for $28,363.00 from Garber Chevrolet
- Two (2) 2025 Nissan Altima unmarked vehicles for $52,965.80 ($26,482.90 per vehicle) from DeLand Nissan
- Three (3) 2025 Ford Explorer unmarked vehicles for $112,923.00 ($37,641.00 per vehicle) from Duval Ford
- One (1) 2025 Ford Maverick unmarked vehicle for $24,847.00 from Duval Ford

The remaining budgeted funds will be used to outfit the vehicles with emergency equipment and striping as needed.

The Village's Purchasing Code, Section 58-9. - 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 2025 Budget - General Fund Allocated/Estimated Project Funding: Amount FY 2025 Approved Budget - Vehicles - General Fund $726,000.00 FY 2025 the total vehicle purchase costs will be $575,026.80 for the purchase of fifteen (15) vehicles: seven (7) unmarked and eight (8) 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.

16. **Resolution No. 2024-59 - Axon Taser 10 Purchase: Motion to approve the purchase from Axon fifty-eight (58) Axon 10's, over five (5) years for the Police Department for $268,952.20, with an annual payment of $53,790.44. This has been budgeted in the Police Department's FY 25 budget.**
Staff: Thomas Ceccarelli, Police Chief

SUMMARY: The Village of Palm Springs Police Department currently uses the Axon X26 Taser and X26P Taser as its conducted energy weapons. The Village of Palm Springs Police Department is seeking to purchase 58 Axon Taser 10's to replace the current stock of our obsolete X26/X26P Tasers. The X26/X26P Tasers are no longer under warranty and have passed their expected service life. Axon will no longer be providing support or repair service for the X26/X26P Tasers. This purchase includes all the required software for the new Taser 10 and additional instructor training and training equipment to transition from the X26/X26P Tasers to the Taser 10.

Per Purchasing Authority 58-7 Single Source. A single source justification exists because the Taser 10 and services required to satisfy the Village of Palm Springs Police Department needs are only manufactured and available for purchase from Axon Enterprise. Axon is the sole distributor and retailer of all Taser brand products.

Fiscal Impact: The total cost for this purchase is $268,952.20 which is broken up over 5 years with an annual payment due each year of $53,790.44. This has been budgeted in the Police Department's FY 25 budget.

17. **<u>Piggyback Agreement - Emergency Vehicle Equipment - FY 2025 General Fund - Police Department Shyft Group Upfit Services Inc./ Strobes-R-Us:</u> 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 $122,961.68 to purchase emergency vehicle equipment to install on eight (8) 2025 marked patrol vehicles and five (5) 2025 unmarked vehicles. Funding is available in the FY 2025 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 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 2025 budget, the Village Council approved $726,000 to be used for the purchase of police vehicles. With Council approval, the Police Department will be purchasing fifteen (15) police vehicles: (eight marked police vehicles and seven unmarked vehicles) with the associated graphics and equipment. There is only a need to further outfit thirteen (13) of these vehicles. Through the Broward County Sheriff's Office bid, the Police Department was able to obtain a price of $122,961.68 to purchase the necessary emergency equipment and lighting to outfit the following thirteen (13) vehicles:

- Eight (8) 2025 marked patrol vehicles are $99,869.76
- Five (5) 2025 unmarked vehicles are $23,091.92

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 8, 2026.

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.

<u>Fiscal Impact:</u> Funds to support this proposed purchase are available within the FY 2025 Budget - General Fund Allocated/Estimated Project Funding: Amount FY 2025 Approved Budget - Vehicles - General Fund

$726,000 FY 2025. The total vehicle equipment costs will be $122,961.68 for the purchase of emergency safety/lighting equipment for thirteen (13) vehicles: eight (8) marked and five (5) unmarked vehicles. The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

End of Consent Agenda....

Mayor Smith offered the public an opportunity to address items on the Consent agenda. There were no comments about the Consent Agenda.

Council Member Ready made a motion to approve the Consent Agenda as presented and Vice Mayor Waller seconded it. The said motion carried 5-0.

PRESENTATIONS

18. **Recognizing World Aids Day Proclamation on December 1, 2024:**
Proclamation recognizing World Aid Day 2024 on December 1, 2024.
Staff: Kimberly Wynn, Village Clerk

Mayor Smith recognized a proclamation in honor of World Aids Day that is advocated by Foundcare. The organization has done a lot in the community in the fight against AIDs. No one is present from the organization to accept the proclamation, so the Village will make sure that they receive it.

PUBLIC COMMENT

Mayor Smith opened the meeting for public comment.

1. Mr. Johnnie Tieche - 305 Winged Foot Drive - Mr. Tieche commented about the heavy traffic on Winged Foot Drive and Tam O' Shanter Drive due to the heavy construction in several areas of the Village. He is thankful for the improvements that are taking place. At this point, Mayor Smith asked if the staff could provide an update on the traffic around the Village.

Mr. Lofaso stated that Davis Road south of 10th Avenue North is now open. There is work (construction) taking place on the side roads of Anders Road and Barbados. The Davis Bridge Project is complete. Greenbrier and Davis Intersection is a work in progress. It should be completed in three weeks. There will be some changes to the landscaping in about a month at the location. The Davis and Alemeda Intersection project just started this week. The project is about 30% complete. It should wrap-up within the next couple of weeks. There will be a couple of closures and detours for Springdale and Lillian residents up until Christmas. There will be some short-term inconveniences.

REGULAR AGENDA

19. **Lien Reduction Stipulated Agreement for 3401 2nd Avenue North - Palm Springs CRA - Global Consulting Firm, LLC: Motion to approve a stipulated agreement with Global Consulting Firm, LLC, contingent upon compliance with the existing code violations on the property located in the Palm Springs CRA District at 3401 2nd Avenue North (by December 31, 2025) to reduce a lien to $22,000.**
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Staff recommends that the Village Council find, upon compliance with the existing code violations on the property located at 3401 2nd Avenue North (by December 31, 2025), that special circumstances warrant a lien reduction to $22,000.

Section 2-238 of the Village Code allows the Village Manager to administratively approve lien reductions when the sale of the subject property is imminent, and liens encumber the title. The property under consideration for purchase by the Palm Springs CRA would be acquired in its current condition. Because the Village Manager also serves as the CRA Executive Director, it is appropriate for the Village Council, not the Village Manager, to consider a lien reduction.

The property has been subject to code enforcement action, with daily fines continuing to accrue - the estimated code enforcement lien amounts to $149,000. The proposed agreement stipulates that the CRA has until December 31, 2025, to eliminate code violations by renovating the property. Considering these improvements, the Village Council will reduce the lien to $22,000.

Note: Paragraph Q of the Purchase and Sale Contract provides that the seller is responsible for closing all liens and fines up to a potential fine reduction of 15% (15% of the current lien is $22,350).

Staff recommends that the lien should be reduced to promote the redevelopment of the property, provided that the property is first brought into full compliance.

Fiscal Impact: The lien reduction does not have a fiscal impact on the Village and will allow the CRA to purchase the subject property.

The Village Manager states that he recommends reducing the lien on the property at 3401 2nd Avenue North to $22,000, if code violations are corrected by December 31, 2025. The Village Manager can approve lien reductions when a sale is closed, but since they also serve as the CRA Executive Director, the Council should handle this decision.

The property has ongoing code enforcement issues, and the current lien is about $149,000 due to daily fines. The CRA plans to fix the property to remove these violations, and reducing the lien will help support redevelopment. According to the

Purchase and Sale Contract, the seller must resolve all liens and fines, and they can reduce fines by up to 15%.

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

Council Member Brinkman made a motion to approve a stipulated agreement with Global Consulting Firm, LLC, contingent upon compliance with the existing code violations on the property located in the Palm Springs CRA District at 3401 2nd Avenue North (by December 31, 2025) to reduce a lien to $22,000 and Mayor Pro Tem Schmitz seconded it. The said motion carried.

20. **Resolution No. 2024-66 - Approve Interlocal Agreement (Funding Real Property Acquisition & Improvements) with Palm Springs Community Redevelopment Agency - 3401 2nd Avenue North: Motion to approve Resolution No. 2024-66 for a contract for purchase of the real property located with the Palm Springs CRA District at 3401 2nd Avenue N, Palm Springs; authorizing the Village Manager to execute all documents necessary to effectuate the purchase of the real property.**
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Staff is recommending approval of an Interlocal Agreement between the Village and CRA to fund the purchase of the property located at 3401 2nd Avenue North. The Lake Worth District of the CRA has $862,932 budgeted in Fiscal Year 2024-2025 for property acquisition. The purchase price, together with the estimated renovation and furnishings costs, total
$2,300,000. The proposed loan agreement provides for a $1,437,068 loan (a transfer from the Village's unassigned fund balance) with a 20-year repayment plan of a minimum of $71,853.40 annually.

The increment revenue to the Lake Worth District Trust Fund has grown from $62,000 in FY21 to
$613,423 in FY25 and is expected to continue to increase as redevelopment occurs. The Village staff is confident that the CRA will make an annual debt payment (at least) of $71,853.40 and have growing incremental revenues to continue to budget for ongoing programs such as the Catalyst Fund, business incentive grants, and placemaking improvements.

On a 20-year repayment schedule, the loan will be paid off in 2045. The CRA will be sunset on December 3, 2049, unless extended by the Board of County Commissioners.

Note: The Village of Palm Springs may lend properly appropriated municipal funds to the Palm Springs Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes, for a project declared by the Village to represent a municipal public purpose. The Village and CRA find that the acquisition of the real property located at 3401 2nd Avenue North will serve a public purpose and fulfill the overall objective to reduce blight and abate nuisance within the Lake Worth Road District.

Fiscal Impact: The loan between the Village and CRA will allow the Lake Worth district's budget to be supplemented to facilitate the purchase. The CRA will prioritize its loan repayment with annual TIF revenues during the budget process.

The Village Manager, Mr. Bornstein, explained that a Village-CRA Interlocal Agreement is recommended to acquire 3401 2nd Avenue North for $2,300,000, funded by a loan of $1,437,068 with a 20-year repayment schedule. In FY21, the CRA budgeted $862,932 for property acquisition, and revenue is expected to rise to $613,423 in FY25. This acquisition aims to reduce blight in the Lake Worth Road District by paying off the loan by 2045, and the CRA could expire in 2049 unless extended.

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

Council Member Ready made a motion to approve Resolution No. 2024-66 for a contract for the purchase of the real property located with the Palm Springs CRA District at 3401 2nd Avenue N, Palm Springs, authorizing the Village Manager to execute all documents necessary to effectuate the purchase of the real property. Vice Mayor Waller seconded the motion.

PUBLIC HEARINGS

21. **Ordinance No. 2024-06 - Comprehensive Plan Text Amendment - Evaluation and Appraisal Review (EAR) Based Amendments: Motion to approve Ordinance No. 2024-06 to amend the Comprehensive Plan of the Village of Palm Springs with the 2024 Evaluation and Appraisal Review (EAR) based amendments; providing for recitals, adoption, conflicts, repeal, severability, applicability, transmittal. This item is continued from October 10, 2024, to the Village Council Meeting.**
Staff: Iramis Cabrera, Planning, Zoning, and Building Director

SUMMARY: The Planning Consultant, BCLA, facilitated a series of three Joint Workshops (January, April, and June 2023) with the Village Council, Planning & Zoning Board, and the CRA. These meetings resulted in a Vision Document that was finalized in August 2023. This Vision Document included recommendations to update both the Comprehensive Plan and the Land Development Regulations. These recommendations coincided with the Evaluation and Appraisal Review (EAR) of the Comprehensive Plan, due to be transmitted to Florida Commerce by October 2024.

A Joint Workshop was held on May 9, 2024, summarizing the key themes in the new Comprehensive Plan, as well as updates required due to changes in Florida Community Planning laws. The workshop summarized the changes in the Comprehensive Plan and provided a means for the members to share comments before the transmittal hearing. All comments received during the Joint Workshop and since then, have been compiled into a comment matrix. The matrix, included as an attachment to this agenda item, provides a copy of all comments received, and the resulting changes, if any, in the final draft comprehensive plan amendments.

The purpose of today's public hearing is to present the final draft of the Updated Comprehensive Plan and supporting documents to be transmitted to Florida Commerce for their review, specifically – Data, Inventory, and Analysis (DIA); Goals, Objectives, and Policies (GOP); Map Series; and the Comments Matrix.

The consultant received feedback from the Village's Planning and Zoning Board and the public on all documents presented. There was a total of nine (9) Elements, each with supporting data, except the Property Rights Element. The consultants documented comments from the meetings and asked for recommendations from the P&Z Board, Village Council, and the State.

Ordinance No. 2024-06 is presented to the Village Council for the second and final reading.

Fiscal Impact: A Fiscal Impact Statement will be prepared prior to consideration of any comprehensive plan amendments after the October 1, 2024 effective date of Senate Bill 1628.

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

Ms. Bonnie Landry, Consultant with Bonnie Landry Associates, gave an overview of the proposed text amendments report submitted to the state. She stated that the first phase was a visioning process. Workshops were held and well attended to obtain a vision of where we wanted to go. There was also an EAR-Based review to discuss changes in Florida Law over the past several years and desired changes identified in the workshops.

Ms. Landry stated there were no objections to the Village's transmittal to the State, which are required to be addressed before adoption. The Village also did not receive a recommendation from the state, that are meant to make the plan better. There are recommendations which are meant to provide direction from Florida Commerce on methods to satisfy objections. Comments and Technical Assistance are optional and can just strengthen the plan. The Transportation Planning Agency (TPA), Florida Department of Transportation (FDOT), and Florida Commerce had comments to strengthen the plan.

The Regional Planning Council requests the Village change the way the School District is named in the plan to "School District of Palm Beach County." It was not in the current plan. The FLU Element needs to indicate when facilities and services will be required before the Certificate of Occupancy is issued.

Ms. Landry discussed several additional changes recommended by FDOT in an effort to get feedback from the Council about their desire. FDOT requested the Village be a reviewer and partner in the redevelopment review process. They also wanted to establish a policy to coordinate with FDOT for context-sensitive classification. Ms. Landry asked for clarification from the Council if they would permit up to 80% residential space in the College Hospital Overlay (CHO) areas. In the current Code for Mixed-Use, there is a conflict in the ratio of residential areas to the proposed CHO area. The reason is the commercial corridor to promote more development. There was further discussion about CHO and whether it should allow up to 80% residential. The current Code does not allow this because the Comp Plan would trump the zoning, which is an inconsistency. The Council requested a cap of 50% on residential buildings. To do a CHO, the Village must have a mixed-use system, which is non-existent in the Village. Ms. Landry asked for direction if the Council approved not having the CHO, or would they like Mrs. Landry to address the inconsistency.

Council Member Ready asked the Assistant Village Manager, Mrs. Glas-Castro her recommendation on how to proceed.

Assistant Village Manager Glas-Castro answered this is more of a policy-legislative decision, that is whether to proceed with the 50 percent maximum residential use. Staff can proceed based on the Council's decision. Further, she discussed the advantages and disadvantages of the change. The Assistant Village Manager, Mrs. Glas-Castro reiterated the importance of the Council providing direction on the ratio of residential permitted.

Mayor Smith spoke about the need for more jobs as a reason to cap the residential at 50 percent. Mrs. Landry recommended removal of CHO. Mayor Smith and Council Member Ready are in support of removing the overlay. Ms. Landry clarified, if the direction is to leave the language in the Mixed-Use to cap at 50% residential, then remove the CHO. Council member Brinkman has concerns about larger pieces of parcels/ properties' lack of flexibility. An applicant would have to make a text amendment to the Comp Plan for changes. Council Member Brinkman asked if there is a way to allow a greater percentage in the Comprehensive Plan, but in the LDRs, create thresholds if you are under or over a certain size there is more residential and less commercial.

Mrs. Landry stated this is a policy decision if thresholds should be added to the LDRs. Assistant Village Manager Glas-Castro pointed out that the Village is essentially built out, so we do not have many vacant parcels. Village Attorney Goddeau asked The Assistant Village Manager Glas-Castro what the small scale limitation was, and she stated it was fifty. Mrs. Goddeau stated, from a legal standpoint, if the Council proceeds the way it is recommended, the Board will retain legislative the prerogative if someone comes in with a unique project to revise the comp plan to allow, or to broaden the policy and address it through a Special Exception in the LDRs. Maintain the Legislative Policy over the Comp Plan to keep it stricter but recognize there may be a project that is small scale. It is a less intensive process than if it were a larger scale.

FDOT recommended better organization of the maps, adding language that the Village is coordinating with them on the Vision Zero Plan. They also request this language in the Mobility Plan. Mrs. Landry discussed each of the recommendations from FDOT. Consistent with feedback the Council has received on other local government comprehensive plans, it is recommended that "The Village shall be considered" be added to the beginning of each policy. Most of the recommendations were wordsmithing.

It is also recommended to copy the Florida Statutes and use their verbatim

language. Mayor Smith offered the public an opportunity to speak.

Mr. Sam Epstein, representative from Miskel Backman, LLC, 14 SE 4th Street, Boca Raton - Mr. Epstein represents Morguard LLC (4411 South Congress Avenue). He read a statement on the record and gave it to the Village Clerk, then requested that this item be postponed to the next Council meeting because he had concerns.

Mrs. Glas-Castro spoke about Mr. Epstein's concerns. She agreed with some of the information given by Mr. Epstein. Staff can grant their request; however, the referenced annexation agreement is expired. There was discussion about an annexation agreement under the ordinance. It was mentioned the agreement had expired. The applicant had twelve months to implement a site plan that was attached to the agreement. They did not follow through. There is language that Morguard would have to comply with the current Code if not completed. She discussed her concerns of the applicant getting the number of units based on requirements. Council Member Brinkman asked if we put the designation on property. Could it come back as a Small-Scale then go to Mixed-Use later. She talked about her doubts and reiterated the uncertainties. Council Member Ready asked if this was postponed. Would it affect the deadline to make a transmittal to the State? It does not affect it, but there are 180 days to get this to the state. The Council and staff ensued in discussion about options.

The Council is not in favor of changing the plan to accommodate them. Council Member Brinkman stated she was not aware that we were getting rid of the overlay.

Assistant Village Manager Mrs. Glas-Castro clarified if we would amend the ratio language to revert it to the existing language. Eliminate performance standards. Landscape buffer wall component, which is really an LDR requirement, not a Comp Plan requirement, and remove the CHO. Ms. Landry added that F.A.R. changed, now the number of units is not considered. It is based on how it is calculated.

Council Member Ready made a motion to approve Ordinance No. 2024-06 as amended, and Council Member Brinkman seconded. There was a roll call vote as follows: Vice Mayor Waller - Yes, Mayor Pro Tem Schmitz - Yes, Council Member Brinkman - Yes, Council Member Ready - Yes, Mayor Smith - Yes. The said motion carried 5-0.

22. ***(Quasi-Judicial Hearing)*** **Proposed Resolution No. 2024-47 - Hours of Operation Variance (PSV-24-07) - El Torito Sports Pub & Cantina - 4469 South Congress Avenue Suite 107-109: Motion to consider an application for Hours of Operation Variance (PSV24-07) from Section 14-61 for a three-hour deviation to allow the existing 8,500 s.f. Sports bar to be open until 5:00 a.m., Thursday through Sunday, instead of 7:00 a.m. to 2:00 a.m. This item is continued from October 10, 2024, to the Village Council Meeting.**
Staff: Iramis Cabrera, Planning, Zoning, and Building Director

SUMMARY: Mr. Kevin McGinley, agent for Congress Pointe, Inc., is requesting a variance **(PSV24- 07)** to deviate from Section 14-61, "Hours of Operation of Establishments where served", which specifies that all establishments effectively annexed into the Village limits after September 11, 2014, shall comply with the hours of operation set in this section, which limits the hours of operation in all establishments that serve alcoholic beverages on-premises, from 7:00 a.m. to 2:00 a.m. The applicant requests a three-hour deviation to allow the existing 8,500 sq ft. sports bar to be open until 5:00 a.m., Thursday through Sunday.

Note: The property was annexed into the Village on December 15, 2016, and has been operating as a sports bar with live entertainment and doing business until 5:00 a.m.

Staff have reviewed the application and found the proposed request is inconsistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The staff does not support the applicant's request, finding that Section 34-603(b) "Variance" criteria have not been adequately demonstrated and based on concerns that granting the variances will encounter public interest and may contribute to factors negatively affecting public welfare.

This recommendation is given considering that this business has been creating significant calls for services for the last two years, which indicates that they occurred due to an active nightclub remaining open after 2:00 a.m. Consistent complaints about trespassing, intoxicated people, disturbances, and other incidents are noted in the attached public safety report provided by the Village of Palm Springs Police Department.

The proposed variance may have a detrimental impact on surrounding properties in terms of crime, disturbance, safety, and other potential nuisances. Additionally, the existing extended hours of operations shall not confer any rights or privileges to the applicant to proceed with non-compliance with the Village's code.

Should the Village Council desire to recommend approval of the application, the Staff recommend that said motion be subject to the conditions listed on the Staff Report.

Fiscal Impact: The proposed request is not expected to provide a direct fiscal impact on the Village; however, if approved, it would require various Village services that will result in increased expenditures on the Village.

Mayor Smith asked the Council if there was ex parte communication. There was none. The Village Clerk, Ms. Wynn swore in applicants and the staff.

Ms. Cabrera presented this item. She explained that Congress Pointe, Inc., is represented by Kevin McGinley. He is seeking a variance (PSV24-07) that differs from Section 14-61, "Hours of Operation of Establishments where served." Upon annexation into Village boundaries after September 11, 2014, all establishments were required to adhere to the hours of operation specified in this section, which restricts establishments serving alcohol on-premises to operate between 7:00 a.m. and 2:00 a.m. The applicant requested a three-hour extension to allow the current 8,500-square-foot sports bar to operate until 5:00 a.m., Thursday through Sunday.

In December 2016, it was annexed into the Village and has been operating as a sports bar with live entertainment until 5:00 a.m.

After reviewing the application, staff concluded that the requested changes did not meet the Comprehensive Plan's goals, objectives, and policies. The staff does not endorse the applicant's request, stating that the criteria for a variance in Section 34-603(b) have not occurred and expressing concern that granting these variances may adversely affect the public interest and contribute to potential public welfare concerns.

This recommendation relies on the fact that this establishment has generated numerous service calls over the past two years, suggesting that these incidents stem from an active nightclub operating beyond 2:00 a.m. Ongoing complaints regarding trespassing, intoxicated individuals, disturbances, and other issues have appeared in the public safety report from the Village of Palm Springs Police Department.

The proposed variance may adversely affect neighboring properties regarding crime, disturbances, safety, and other nuisances. In addition, the applicant should not be able to violate the Village's regulations due to the current extended operating hours.

If the Village Council wishes to support the application, the staff recommends that this motion include the conditions specified in the Staff Report.

Chief Ceccarelli discussed the multiple police calls from the previous two years (January 2023–September 2024) as a result of El Toritos staying open past 2 p.m. Further, there is no language in the annexation agreement that grandfather El Toritos into the Village with extended hours. A third of the police calls happen after 3 a.m. The establishment is selling alcohol illegally. Fights, vandalism, disturbances, and injury crashes were influenced by the presence of El Toritos. He mentioned that when there was a time change, the bar refused to shut down. Most of the calls involved did not involve residents of the Village. The Police Department did not have an available security detail on Sunday night; however, the bar remained open.

Officer Castro talked about the security around the premises. He stated that on September 25, 2024, he let the owner know about several concerns including non-functioning fixtures, overgrown tree canopies, insufficient lighting, no security cameras, and a potential timing issue with several of the light fixtures that run during the day. He said that the recommendations were sent to the owner to have everything fixed before the November 14, 2024, Council meeting. When he reviewed the area last night, everything remained the same, landscaping was the only issue addressed.

Alan Ciklin, Attorney at Law, gave background about El Toritos. When El Toritos was annexed into the Village, they were assured by the former Village Manager (Rich Reade) that they could operate as they had done in the past. The establishment has hired private security. El Toritos owner, Mr. Nelson Tibericio, received a letter from the Village Manager, Mr. Bornstein in December 2023 about alcohol being served outside of Mr. Pizza's restaurant. Mr. Tibercio requested a variance for three (3) additional hours on Thursday, Friday, and Saturday nights. He talked about the financial impact he may have if the variance is not permitted to remain open until 5 a.m. A security consultant was hired, and they have begun to implement the recommendations of Officer Castro. Everything could not be addressed because there was a delay with parts.

Mr. Kevin McGinley (2240 Palm Beach Lakes Boulevard) gave a presentation and entered it into the record. He filed his application on May 8, 2024. He attempted to upload the file to the portal; however, he had problems. Mr. McGinley talked about the security firm they hired to look at the establishment on Friday and Saturday night; however, it was too late to enter the information on the portal. He compared police calls from the Wawa gas station and the RaceTrac gas station. There are homeless encampments that nuance the area.

Mr. Tibercio said he has operated his business for 27 years. He was approached by Mr. Rich Reade in 2016, who offered to annex his property and guaranteed him everything would be the same. Until last year, he was not aware that he needed an agreement. Discussion ensued with the Council and the Applicant. The applicant requested to be given an opportunity to improve the situation, and then bring this item back before the Council within one year. Mrs. Cabrera mentioned that Mr. McGinley was unable to submit his reports because he was past the deadline. Although the applicant continues to assert that Palm Beach County approved, there is nothing submitted.

Chief Ceccarelli addressed the applicant's mention of several businesses and police calls. In comparison, El Toritos has more calls. The actions of the business to mitigate problems are a requirement.

Mayor Smith opened the meeting for public comment.

Mr. Johnnie Tieche - 305 Winged Foot Drive - Mr. Tieche has lived in the Village for 45 years. Chief Ceccarelli completed an analysis on the level of calls for patrons who do not live in the Village. He does not support the variance.

Mr. Ciklin requested a year to improve security, increase lighting, install more cameras, and reinforcement of identification.

The Village Attorney, Mrs. Goddeau, asked what the hardship was. Vice Mayor Waller inquired about the reason for extended hours if the location is open from 10 p.m. - 2 a.m. Mr. Tibercio explained that a majority of the customers come after 1 a.m. because of their work schedule. Scores are allowed to remain open after 2 a.m. Ms. Cabrera stated there is an approved agreement on file to allow extended hours.

Further discussion ensued. Mayor Pro Tem Brinkman would like to grant a variance for a year with conditions. The Village Attorney, Mrs. Goddeau explained that the conditions of the variance would have to be laid out. Council Member Ready does not support this variance. Mayor Pro Tem Schmitz inquired if there was proof that El Toritos was grandfathered. There is no formal agreement, just a discussion with Mr. Reade.

Assistant Village Manager, Mrs. Kim Glas-Castro was sworn in and gave testimony. Council Member Brinkman does not feel there is enough information to make a decision. Mayor Pro Tem Schmitz asked if there were a lot of problems at Scores. Chief Ceccarelli provided statistics about the number of police calls. Council Member Brinkman wants six officers at the location. Mayor Smith cannot justify making an exception to the variance.

Council Member Ready made a motion to deny the variance based on Condition G of the staff report not being met (that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare). Vice Mayor Waller seconded the motion. The said motion carried 4-1 (Council Member Brinkman dissenting).

23. **<u>Resolution No. 2024-55 - Final Plat for 4084 Linda Lane:</u> A motion for the approval of a Final Plat has been submitted by Brandon Cabrera, the owner of Brandx LLC. This proposal seeks to replat the Military Hill IN Plat and subdivide the property at 4084 Linda Lane into two single- family home lots. There is no direct fiscal impact on the Village.**
Staff: Iramis Cabrera, Planning, Zoning, and Building Director

<u>SUMMARY:</u> Mr. Brandon Cabrera from BrandX LLC, owner of the property, has filed a final plat to re-plat the Military Hill IN plat as recorded in Plat Book 23, Page 21 of the Public Records of Palm Beach County, Florida. The applicant proposes subdividing the multifamily lot at 4084 Linda Lane into two (2) separate single-family lots. Each lot will exceed the minimum lot dimension requirements of 64 feet width by 100 feet depth.

The Village's Surveyor, Engenuity Group, Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations.

<u>Note:</u> A sidewalk along Linda Lane adjacent to the property must be provided before issuing any Certificate of Occupancy.

The final plat is consistent with the preliminary plat that the Village Council approved at their October 10, 2024, regular meeting.

If approved, the final plat will be recorded in the public records of Palm Beach County before any sales of single-family lots.

<u>Fiscal Impact:</u> The proposed final plat will facilitate the construction of 2 single-family homes, further contributing to the Village's overall property values.

Ms. Cabrera presented this item. She stated that the applicant was not present - he was sick. Mayor Smith offered the public an opportunity to speak.

Mr. Tieche expressed his support of the project.

The Village Attorney, Mrs. Goddeau read the title of the caption into the record.

Council member Brinkman made a motion to approve Resolution No. 2024-55 and Mayor Pro Tem Schmitz seconded the motion. The said motion carried 5-0.

24. ***(First Reading)*** **Ordinance No. 2024-09 - Chapter 10 – Building and Building Regulations Article II – Florida Building Code and Chapter 34 – Land Development Article II Floodplain Management - Motion to approve Ordinance No. 2024-09, amending Chapter 10 - Building Regulations and Chapter 34 - Land Development to incorporate the latest Flood Insurance Study and Rate Maps for Palm Beach County, finalized by FEMA, to meet National Flood Insurance Program (NIFP) requirements.**
Staff: Iramis Cabrera, PZB Director

SUMMARY: Planning, Zoning & Building Staff is recommending an amendment to the Village's Code of Ordinances (Chapter 10 - Building and Building Regulations Article II – Florida Building Code and Chapter 34 – Land Development - Article II - Floodplain Management) by adopting the new revisions to the Flood Insurance Study for Palm Beach County and Incorporated Areas and the accompanying Flood Insurance Rate Maps finalized by FEMA.

FEMA issued on June 20, 2024, a Letter of Final Determination (LFD) to establish a 6-month deadline to demonstrate the Village's regulations conform to the minimum requirements of the National Flood Insurance Program (NFIP). In addition, the Village participates in the NFIP Community Rating System (CRS) and has to satisfy the CRS 8 prerequisite.

Note: 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 Village adopted the 8th Edition of the Florida Building Code in March 2024.

The Federal Emergency Management Agency (FDEM) Office of Floodplain Management reviewed the Village's floodplain management provisions and determined that some amendments must be adopted concurrently to create consistency.
As a result, Chapter 10, "Florida Building Code," and Chapter 34, "Floodplain Management," include amendments to the following:

- Local amendments to conform to the minimum requirements of the national flood insurance program
- Update the date of the flood insurance study and flood insurance rate map
- Special Inspections requirements
- Eliminate cumulative substantial improvement in language

The Office of Floodplain Management reviewed and approved the proposed ordinance on behalf of the Federal Emergency Management Agency (FDEM).

During their regular meeting, the Planning and Zoning Board considered this item on November 12, 2024. If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on December 12, 2024.

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

ITEM 21.A. Mr. Ringle presented ordinance No. 2024-09. The Planning, Zoning & Building Staff recommends amending the Village's Code of Ordinances to adopt recent changes to the Flood Insurance Study and Rate Maps from FEMA. A June 2024 deadline requires the Village to align with National Flood Insurance Program standards. Proposed updates include local amendments, date updates for flood studies, and changes to inspection requirements. If approved on first reading on November 12, 2024, the final reading will be on December 12, 2024.

Mayor Smith offered the public and the Council an opportunity to speak. Council Member Ready asked if this Ordinance would exclude homes not in the flood zone. Mr. Ringle explained that it would not. Further, he explained that Chapter 10 is also included. There are inspections that are required. The amendment will formalize the process. Also, the Base Flood + 1 is getting changed to Base Flood + 2 (feet) because it is required to get federal funding. The inspections that are being formalized will be conducted by the building officials. He talked about the importance of audits. There is no increase to the fee schedule.

Village Attorney Goddeau read the title of the caption onto record. Mayor Smith called for public comment. There was none.

Council Member Brinkman made a motion to approve Ordinance No. 2024-09 and Vice Mayor Waller seconded the motion. The said motion carried 5-0.

ACTIONS AND REPORTS

None

VILLAGE MANAGER COMMENTS

None

VILLAGE COUNCIL COMMENTS

The Council Members reported on their daily activities.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 9:07 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 **November 14, 2024**. Which minutes were formally approved and adopted by the Village Council on **December 12, 2024.**

Kimberly M. Wynn

Kimberly M. Wynn, Village Clerk

NEXT REGULAR MEETING:
THURSDAY, DECEMBER 12, 2024, AT 6:30 PM