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VILLAGE COUNCIL MEETING MINUTES
VILLAGE HALL - COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FLORIDA
DECEMBER 12, 2024 AT 6:30 PM

CALL TO ORDER

Mayor Smith called the Regular Village Council meeting to order at 6:31 p.m.

ROLL CALL

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

Absent: None

Also present were Village Manager Michael Bornstein, Village Attorney Christy Goddeau, Village Clerk Kimberly Wynn, Captain Peter Buhr as Sergeant-in-Arms, Assistant Village Manager Kim Glas-Castro, Utilities Director Dr. Jimmie Johnson, Assistant Director of Public Works Tim Crespo, and Director of Public Works Felipe Lofaso.

INVOCATION

The Village Manager, Mr. Bornstein led the invocation.

PLEDGE OF ALLEGIANCE

The Boy Scouts and Village Council led in the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager Bornstein requested that Item #6, Resolution No. 2024-68, Agreement - 2nd Avenue North Area Stormwater Improvements Project - Public Works Department (FY 2025 Stormwater Fund)-Foster Marine Contractors, Inc. be moved to the Regular Agenda as Item #14B. He also requested that #Item 2, Stipulated Settlement Agreement with Congress Pointe, Inc. and Palm Beach Toro, Inc. be moved to the Regular Agenda as Item #14A.

Council Member Brinkman motioned for the approval of the Agenda as Amended, and Vice Mayor Waller seconded. The said motion carried 5-0.

CONSENT AGENDA

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

Council Member Ready motioned for the approval of the Consent Agenda as presented, and Mayor Pro Tem Schmitz seconded. The said motion carried 5-0.

1. **November 14, 2024, Village Council Regular Meeting Minutes: Motion for the approval of the November 14, 2024, Village Council Regular Meeting.**
   Staff: Kimberly Wynn, Village Clerk

2. ***[MOVED TO ITEM 14A]*** **Stipulated Settlement Agreement with Congress Pointe Inc. and Palm Beach Toro, Inc., as the property owner and corporate owner/ operator of El Torito Sports Pub & Cantina: Motion to approve a Stipulated Agreement with Congress Pointe Inc. and Palm Beach Toro, Inc. for El Torito Sports Pub & Cantina.**
   Staff: Christie Goddeau, Village Attorney

   SUMMARY: At the Village Council's November 14th meeting, the Village Council denied El Toritos' request for a variance to continue operating as a nightclub after 2:00 a.m. The matter was set for a November 21, 2024, code enforcement hearing; however, the attorney for El Toritos requested a continuance in order to discuss a possible settlement of all issues. El Toritos' attorney expressed concerns about the nightclub having to lay off employees prior to the holidays and the potential breach of contractual agreements with entertainers through the new year. The Village Attorney and Village Manager agreed to said request (which was also approved by the Special Magistrate). Attached is a draft Stipulated Settlement Agreement, which has been provided to El Toritos' attorney as of December 5, 2024. This draft would require El Toritos to (1) pay the Village $10,000 for the code enforcement violations that have occurred since October 11, 2024; (2) to agree to a fine of $5,000 per day after January 1, 2025, if it remains open as a nightclub after 2:00 a.m.; (3) to abide by the requirements of the Village's nightclub ordinance including the provision of six (6) security officers and two (2) police officers detail; (4) to agree to fine amounts if El Toritos violates the same; and, (5) to waive all claims and remedies (i.e., litigation and appeals) regarding the Village Council's denial of the variance, the code enforcement case, and generally release the Village from liability.

   Further negotiations over the draft Stipulated Settlement Agreement will likely occur with El Toritos' attorney and the owner of El Toritos. If the Village Attorney and Village Manager are not supportive of the finalized agreement, this item will be withdrawn, and the matter will proceed to the December code enforcement hearing.

   Fiscal Impact: The draft Stipulated Settlement Agreement will not have any financial impact to on the Village but should result in the avoidance of the cost and expense of litigation.

   The Village Attorney, Mrs. Goddeau, explained that she pulled this item to summarize the changes. The Attorney for El Toritos, Mr. Alan Ciklin contacted the Village Attorney after the meeting to negotiate agreeable terms to continue to operate their business establishment.

The Village Attorney, Mrs. Goddeau, explained that with the Stipulated Agreement, El Toritos agreed to the following:

1. Acceptance of the Agreement is contingent upon approval by the Village Council on December 12, 2024, and the Special Magistrate on December 19, 2024. The Agreement would be effective as of December 19, 2024. If there is no Agreement from the Special Magistrate and Village Council, the Stipulated Agreement will become null and void.

2. The owner or tenant will pay $85,000 before January 15, 2025, for cumulative fines and administrative costs of $2,500 from October 10, 2024, through January 1, 2025 (5:00 a.m.). If the fine is not paid before January 15, 2025, the unpaid amount will be recorded with the Clerk of the Court as a lien. If the lien remains unpaid, foreclosure action can take place after three (3) months or sue. She also noted the change in condition #8, the "Repeat Violation" fee from $5,000 to $500 for first-time violations, and $1,000 for repeat violations.

The owner must be in compliance before January 1, 2025, and the agreement must be signed no later than December 13, 2024.

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

Council Member Ready made a motion to approve the Stipulated Settlement Agreement as Amended by Congress Pointe (El Toritos). Council Member Brinkman seconded the motion. The said motion carried 5-0.

3. **Resolution No. 2024-73 - Work Authorization No. 3 (TO No. 361) - Dolan Road Gateway and Stormwater Improvements Project Phase I (FY 2025 Stormwater - Improvement Other than Buildings) - Baxter & Woodman, Inc.: Motion for the approval of Work Authorization No. 3 with Baxter & Woodman, Inc. for $149,991.00 for design phase services of Dolan Road Gateway and Stormwater Improvements Project Phase 1. Funding is available from Account Number 42338-56300 (Stormwater - Improvement Other than Buildings).**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: Dolan Road at Congress Avenue has been identified as a gateway entrance into the Village and is being proposed for design to enhance the stormwater system and incorporate Complete Street elements into the project. The project limits for Phase 1 span Dolan Road from Congress Avenue to the Karl Umberger pathway [northwest corner of the multi-use athletic fields (stop sign)].

Baxter & Woodman, Inc., one of the Village's selected engineering consultants during the CCNA (Consultant Competitive Negotiations Act) RFQ process, has been chosen to design these improvements and provide a "shovel-ready" set of construction documents to allow the Village to seek grant funding opportunities. The design phase services with Baxter Woodman, Inc. will cost $149,991.00 and will take approximately ten months to complete.

Fiscal Impact: Work Authorization No. 3 with Baxter Woodman, Inc. is at a cost not to exceed $149,991.00 funded from Account Number 42338-56300 (Task Order No. 361). The FY 2025 approved budget for this project is $75,000 and therefore the funding shortfall will derive from a redistribution of funds from the same account.

4. **Resolution No. 2024-67 - Contract Award - Greenbrier Drive Gateway Project (TO No. 315) - Creative Contracting Group - Public Works Department (FY 2025 Public Works - ARPA Funded): Motion for the approval of Resolution No. 2024-67 to enter into an Agreement with Creative Contracting Group as the lowest, most responsible and responsive bidder (ITB No. 2025B-002 - Greenbrier Drive Gateway Project [TO No. 315]) at a cost not to exceed $1,059,900.00 for the construction of the Greenbrier Drive and Congress Avenue Gateway Entrance. Funding for this project is available from Account Number 01441-56300 and ARPA funds (Public Works-Improvement Other than Buildings).**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Village has recognized the need to create a more established entryway, featuring key identification branding and beautification elements. The current entryway at Greenbrier Drive and Congress Avenue requires renovations and upgrades. Over the past year, staff collaborated with design consultant Chen-Moore and Associates to develop a design that incorporates the Village branding, enhances beautification, and improves pedestrian and bicyclist access, as well as landscaping.

The project was advertised for bidding on October 3, 2024, and the Village received seven bid proposals. After reviewing these proposals, the Village recommends awarding the contract to Creative Contracting Group, identified as the lowest, most responsible, and responsive bidder, with a project cost not to exceed $1,059,900.00. This project will be funded through the American Rescue Plan Act (ARPA) and Task Order No. 315.

Fiscal Impact: The Agreement with Creative Contracting Group for the construction of the Greenbrier Drive and Congress Avenue Gateway Entrance Improvements project is being funded from Account No. 01441-56300 (TO No. 315) through ARPA at a cost not to exceed $1,059,900.00. The FY 2025 approved budget for this project is $900,000 and therefore the funding shortfall will derive from a redistribution of funds from the same account.

5. **Resolution No. 2024-74 - Piggyback Agreement with Ranger Construction Industries for the Milling and Resurfacing Continuing Services Construction Contract PBC No. 2024050: Motion to approve entering into a Piggyback Agreement with Ranger Construction Industries utilizing the Palm Beach County Engineering and Public Works Agreement Contract No. 2024050 - Milling and Resurfacing Continuing Services Construction. Funding is available from Account Number 01441-55300.**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Public Works Department is actively engaged in the annual milling and resurfacing of the Village's roadway network in order to maintain a high level of service for the residents and stakeholders. Each year, the Village's Public Works Department identifies roadways that are in need of milling and resurfacing to continually maintain our roadway network to a high standard. The Palm Beach County Engineering and Public Works Department recently awarded Milling and Resurfacing Continuing Services Construction Contract No. 2024050 to Ranger Construction.

The Village is seeking authorization to enter into a Piggyback Agreement with Ranger Construction to utilize the contract for the Village's needs. The Village anticipates the milling and resurfacing work to begin in April 2025 and will bring forth a future agenda item with the specific roadways and costs associated with that work for approval by the Village Council.

Fiscal Impact: The Piggyback Agreement with Ranger Construction for milling and resurfacing work will be funded from Account Number 01441-55300. A future agenda item will be presented to the Village Council with the specific roadways and expenses associated with the work.

6. ***[MOVED TO ITEM 14B]*** **Resolution No. 2024-68 - Agreement - 2nd Avenue North Area Stormwater Improvements Project - Public Works Department (FY 2025 Stormwater Fund) - Foster Marine Contractors, Inc: Motion for the approval of Resolution No. 2024-68 to enter into an Agreement with Foster Marine Contractors, Inc. for an amount not to exceed $3,999,194.20 for the construction of the 2nd Avenue North Area Stormwater Improvements Project [TO No. 311]. Funding for this project is available from Account Number 42338-56300 (Stormwater - Improvement Other Than Buildings).**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: 2nd Avenue North from Congress Avenue to Lake Worth Road was identified in the Village's Stormwater Master Plan as an area prone to flooding. The Village's consultant, Keshavarz and Associates, worked with staff for the past year to design the necessary stormwater improvements and upgrades to alleviate these issues.

The project was advertised for bid on October 17, 2024, (ITB No. 2025B-003 - 2nd Avenue North Area Drainage System Improvements [TO No. 311]) and the

Village received a total of three (3) proposals from qualified contractors. After reviewing the bids submitted, staff is recommending award to Foster Marine Contractors, Inc. as the lowest, most responsive, and responsible bidder at a cost not to exceed $3,999,194.20.

Mr. Felipe Lofaso presented this item to the Council and the Boy Scouts. The 2nd Avenue North Area Stormwater Improvement Project is the culmination of seven (7) years of planning for final approval by the Council. Mr. Lofaso explained the importance of the twelve laws of the Scouts (Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, and Cheerful) in achieving the success of the project. This Stormwater Project would ultimately alleviate flooding on the streets.

Mayor Smith offered the Council and public an opportunity to speak. Council Member Ready asked if larger trucks that typically enter the area would be able to park in the streets. Mr. Lofaso advised that trucks cannot park on the streets. Business owners must accommodate the trucks.

Village Attorney Goddeau read the title of the caption on the record.

Vice Mayor Waller made a motion to approve Resolution No. 2024-68 and Mayor Pro Tem Schmitz seconded it. The said motion carried 5-0.

Fiscal Impact: The 2nd Avenue North Area Stormwater Improvements Project [TO No. 311] is being funded through Stormwater Fund appropriations from Account Number 42338-56300 at a cost not to exceed $3,999,194.20. The FY 25 approved budget for this project is $2,970,000 and therefore the funding shortfall will derive from a redistribution of funds from the same account.

7. **Resolution No. 2024-75 - Agreement - Replacement of the Storefront Doors at Village Hall - FY 25 Public Works - ShutterUp Windows and Doors, Inc.: Motion to approve an Agreement with ShutterUp Windows and Doors, Inc. for $41,108.97 for the replacement of three (3) sets of storefront doors at Village Hall used continually. Funding is available from Account Number 01441-56200.**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: The existing storefront doors at Village Hall are in need of replacement as they have become costly to maintain and have consistent issues with the closure and locking mechanisms. There are three (3) sets of storefront doors at Village Hall that are used hundreds of times per day and Public Works staff have recognized the security and safety need for immediate replacement.

Staff solicited proposals from three (3) vendors that specialize in these door systems and can expedite the procurement and replacement of these units in an efficient timeframe at a fair price. Upon review of the proposals received, staff is recommending an agreement with ShutterUp Windows and Doors as they provided the most cost-effective proposal, inclusive of all fees, labor and materials.

Additionally, ShutterUp Windows and Doors is a local vendor with its own office and facility located in Palm Springs. The project is at a cost not to exceed $41,108.97 and will be funded from Account 01441-56200.

Fiscal Impact: The Agreement with ShutterUp Windows and Doors will be funded from Account No. 01441-56200 at a cost not to exceed $41,108.97. The FY 25 approved budget for this project is $60,000 therefore the project came in under budget.

8. **Authorize Emergency Repair - Gravity Sewer Main Repair Cresthaven Boulevard - Utilities (FY 2025 Budget - Water & Sewer Enterprise Fund) - Hinterland Group, LLC: Motion to approve an emergency repair on the Village's 8" gravity sewer along Cresthaven Boulevard. Hinterland Group, Inc. was hired for repairs and cleanup, costing $47,072.48. Funding to support the emergency purchase is available from the FY 25 Budget - Water & Sewer Enterprise Fund.**
   Staff: Jimmy Johnson, Director of Utilities

   SUMMARY: The Utilities Department made an emergency repair on an 8" gravity sewer main along the north side of Cresthaven Boulevard, west of Military Trail. The gravity main that serves a group of apartment complexes to the south has collapsed, causing an interruption in service to the apartments and a risk of a sinkhole along Cresthaven Boulevard. The gravity sewer main was too deep for Village staff to repair, and a contractor was required. Hinterland Group, Inc. was selected by Utilities to fix the force main due to their immediate availability and experience with the Village, as well as their willingness to allow the Village to utilize the pricing of their emergency repair contract with Lake Worth Beach. The cost of repairs, maintenance of traffic, and site restoration totals $47,072.48, which the Village Manager approved as an Emergency Purchase.

   Under the Village's Purchasing Code, Section 58-12, the item is now being presented to the Council for approval, as it exceeded the $35,000 threshold.

   Fiscal Impact: Funds for this emergency repair are available within the FY 2025 Budget – Water and Sewer Fund. A budget amendment or internal budget transfer will be requested at a later date if needed.

9. **Resolution No. 2024-62 Work Authorization No. SAK-U05 Trenchless Rehabilitation Services (Sewer Lining) (FY 2025 Budget Funded - Water & Sewer Enterprise Fund) - SAK Construction, LLC. Motion to approve Work Authorization No. SAK-U05 with SAK Construction, LLC for $276,606.00 for**

sewer lining and utility hole rehabilitation for the Village's utility system. Funding to support purchases under this proposed agreement is available within the FY 2025 Budget - Water & Sewer Enterprise Fund.
Staff: Jimmy Johnson, Director of Utilities

SUMMARY: The Utilities Department must utilize trenchless rehabilitation services to line gravity sewer mains to reduce inflow and infiltration into the Village's wastewater system. Infiltration is water that leaks into the sanitary sewer system through cracks, broken joints, and holes in manholes and sewer pipes. Infiltration and inflow increase the Village's sewage transmission costs as these costs are based on the volume of liquid measured by flow meters at the point where sewage leaves the village collection system. In addition, infiltration and inflow consume part of the Village's fixed sewage treatment capacity which would otherwise be available for new sewer customers. For these reasons, it is important to annually seal those portions of the village's sewage collection system which are experiencing significant infiltration and inflow. Village staff have identified 5,438 linear feet of cured-in-place pipelining and 263 vertical feet of manhole rehab that will be completed. The total cost for the identified areas of sewer lining and manhole rehabilitation is $276,606.00.

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

The Village accepted SAK's pricing as approved under OMNIA Partner's contract including all terms, conditions, and pricing. The term of the proposed OMNIA Partner's contract would expire on February 28, 2025. The Village will not expend more than the amount within the approved budget as it may be adopted/amended for each of these goods and services over the term of this contract. All original bid documents authorizing the cooperative purchasing contract with OMNIA Partners are available in the Village Clerk's Office.

The Village's Purchasing Code, Section 58-8. Cooperative Purchasing; provides the Village may participate, sponsor, conduct, or administer a cooperative purchasing agreement for purchasing. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between government entities. Purchases made through a cooperative purchasing agreement are exempt from competitive selection purchase requirements outlined in this purchasing code.

The Council must approve all village purchases from a cooperative purchasing agreement that may have a total value of more than $35,000.00.

The approved FY 2025 Budget - Water & Sewer fund included $280,000.00 for wastewater lining. If approved, it is estimated that the proposed project would be completed within 90 days (February 2025) following the Notice to Proceed by the Village.

The proposed project Work Authorization No. SAK-U05 was prepared by SAK Construction, LLC, and reviewed by the Assistant Utilities Director, Utilities Director, Finance Director, and the Village Attorney.

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

Fiscal Impact: Funding to support purchases under this proposed agreement is available within the FY 2025 Budget - Water & Sewer Enterprise Fund. The Village will not expend more than the amount in the approved Budget as it may be adopted/amended each year for those goods and services over the term of this contract.

10. **Resolution No. 2024-72 Equipment Purchase - Cooperative Purchase - Generac Power Systems, Inc. - Utilities Department (FY 2025 Budget Funded): Motion to approve Resolution No. 2024-72 to approve a Cooperative Agreement Purchase utilizing the Sourcewell that was completed through a competitive selection process (RFP No. 092222 – Electrical Energy Power Generation Equipment with Related Parts, Supplies, and Services - August 4, 2022) to purchase two (2) portable generators for $116,477.83 from Genset Services, Inc. (local distributor Generac Power Systems, Inc.). Funds to support this proposed purchase are available within the FY 2025 Budget - Water & Sewer Enterprise Fund.**
Staff: Jimmy Johnson, Director of Utilities

SUMMARY: The Utilities Staff needs to purchase two portable generators to support the daily operational and potential emergency needs of the utility systems. Sourcewell completed a competitive selection process for Electrical Energy Power Generation Equipment with Related Parts, Supplies, and Services (RFP No. 092222 in September 2022 and bid documents are on file in the Office of the Village Clerk.

Within the FY 2025 Budget, the Village Council approved the purchase of two (2) portable generators for $195.000.00. Utilizing the Sourcewell contract, the staff were able to obtain a quote for $116,477.83.

If approved, the Village would accept Generac's pricing by utilizing the Sourcewell cooperative purchasing contract, including all terms, conditions, and pricing. The term of the contract expires on November 22, 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.

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

11. **Resolution No. 2024-77 - RL Pratt Water Treatment Plant SCADA System Improvements Project Award (Task Order No. 226) - ITB No. 2025B-001 – Utilities Department (FY 2025 Budget Funded – Water & Sewer Enterprise Fund) - Florida Design Contractors, LLC: Motion for the approval of Resolution No. 2024-77 to enter into an agreement with Florida Design Contractors, LLC. for an amount not to exceed $1,310,180.00 to upgrade the current SCADA system, computers and software as part of this upgrade to provide for an operational system moving forward with current technology. Funding for the project is available from Account Number 41336-56300 – Water & Sewer Enterprise Fund.**
Staff: Jimmy Johnson, Director of Utilities

SUMMARY: The existing SCADA system, servers, workstation, and software at The RL Pratt Water Treatment Plant will be approaching seven (7) years of age and are outdated. It is recommended to upgrade the current SCADA system, computers and software as part of this upgrade to provide for an operational system moving forward with current technology. This project proposes to integrate the existing control system into the existing SCADA system to match the SCADA System Improvements previously completed at the Main Water Treatment Plant. This project will include networking and incorporation of the onsite control systems at RL Pratt Water Treatment Plant.

To ensure the lowest possible price for this project, the Village issued an Invitation to Bid (ITB) on October 3, 2024, for the RL Pratt Water Treatment Plant SCADA System Improvements. This process was completed by the Village through a competitive selection process - RL Pratt Water Treatment Plant SCADA System Improvements (ITB No. 2025B-001) on November 18, 2024.

Within the FY 2025 Budget – Water & Sewer Enterprise Fund and the Capital Improvement Plan (CIP), the Village approved $1,330,000.00 (Task Order No. 226) RL Pratt Water Treatment Plant SCADA System Improvements. 2 bid proposals were received.

Vendor	**Total Bid**
Revere Control Systems, LLC	$1,472,772.00
Florida Design Contractors, LLC	$1,310,180.00

After reviewing the 2 bids received, the Utilities Director, Assistant Utilities Director, Utilities Project Manager, the Village Attorney, and the Village's Consulting Engineer, CHA, determined that Florida Design Contractors, LLC provided the lowest responsible and responsive bid. As a result, the staff is recommending that the Council award this proposed contract (Task Order No. 226) to Florida Design Contractors, LLC for the amount $1,310,180.00.

The project will take approximately 270 days to complete following the Notice to Proceed from the Village.

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

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

Fiscal Impact: Funding to support the proposed RL Pratt Water Treatment Plant SCADA System Improvements is available within the FY 2025 Budget account 41336-56300 – Water & Sewer Enterprise Fund. The Village will not expend more than the amount within the approved budget as it may be adopted/amended each year for these goods and/or services over the term of this contract.

12. **Resolution No. 2024-76 - Work Authorization No. 1 [BW-U001] - Kirk Road Water Main Relocation Project - Task Order No. 362 -Utilities Department FY 2025 Budget Funded Water & Sewer Enterprise Fund – Agreement between – the Village of Palm Springs, Village and Baxter & Woodman, Inc.: Motion to approve Work Authorization No. 1 [BW-U001 (Task Order No. 362)] with Baxter & Woodman, Inc. for $83,870.00 for professional engineering services associated with the Kirk Road Water Main Relocation Project. Funding is available from FY 2025 Budget - Water & Sewer Enterprise Fund.**
Staff: Jimmy Johnson, Director of Utilities

SUMMARY: The Village owns a 12-inch water main that crosses over the Lake Worth Drainage Districts (LWDD) L-11 canal at Kirk Road. Palm Beach County (PBC) must replace a failing culvert at this location. The LWDD is requiring PBC to increase the size of the proposed culvert to meet current standards, putting the proposed new culvert in direct conflict with the Village's existing water main. The Village must relocate the existing water main to remove this conflict. Work Authorization No. BW-U001 will support all required professional engineering services and related tasks associated with The Kirk Road Water Main Relocation Project.

Staff recommends approval of the proposed Work Authorization No. BW-U001 with Baxter Woodman, Inc. for the amount of $83,870.00 for professional engineering services associated with the Kirk Road Water Main Relocation Project. If approved, the Village would accept Baxter & Woodman, Inc. pricing as outlined within the previously approved General Consulting Services Continuing Contract with Baxter & Woodman, Inc. including all terms, conditions, and pricing therein.

Note: The Village issued a Request for Qualifications RFQ for Professional Engineering Services RFQ No. 2024R - 001 - Utility Engineering Services Continuing Contracts in accordance with the Consultants Competitive Negotiation Act CCNA - Section 287.55, Florida Statutes.

The proposed Work Authorization No. BW-U001 for the Kirk Road Water Main Relocation Project TO No. 362 was prepared by Baxter & Woodman, Inc. and reviewed by the Assistant Utilities Director, Utilities Director, Village Attorney, and Finance Director.

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

Fiscal Impact: Funding to support purchases under this proposed agreement was not available within the FY 2025 Budget - Water & Sewer Enterprise Fund. over the term of this contract. 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. The Village will not expend more than the amount in the approved Budget as it may be adopted/amended each year for those goods and services.

13. **First Amendment to the Agreement - Flock Safety Flowdown Government Agency Terms - Police Department: Motion to approve First Amendment to the Flock Safety Flowdown Government Agency Terms Agreement for license plate reader equipment and services that commences on July 16, 2024, and expires on July 15, 2026, as a two-year term. In conjunction with the installation of the final cameras and the full use of all equipment, the new term dates will coincide.**
    Staff: Thomas Ceccarelli, Police Chief

    This amendment is to re-establish the term dates of the original agreement with Flock Safety.

    Fiscal Impact: There is no fiscal impact in this agreement.

14. **Police Benevolent Association (PBA) Tentative Agreement (TA) - Reopener: 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, HR Director

Summary: The Village Council is requested to approve the proposed (PBA) Collective Bargaining Reopener with an effective date of October 2, 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, Lieutenants, and Sergeants will be effective on October 2, 2024 (the first full pay period) and 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 12/3/24 and 12/4/24. If the vote passes, the contract will go into effect on October 2, 2024.

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

End of Consent Agenda....

PRESENTATIONS

Mayor Smith introduced the new Battalion Fire Chief, Ronald "Ron" Martinez. Chief Martinez provided the Council with a status report of Fire Rescue calls in the Village during the month of November. There was a total of 377 calls. Seventy-five percent of the calls were medical related. The turnaround time for response to emergency calls was above average. He was welcomed by the Council and there were no questions from the public or the Council.

PUBLIC COMMENT

Mayor Smith opened the meeting for Public Comment. There were no comments from the public.

PUBLIC HEARINGS

15. **<u>[Second Reading] Ordinance No. 2024-09 - Chapter 10 – Building and Building Regulations</u> <u>Article II – Florida Building Code and Chapter 34 – Land Development Article II Floodplain</u> <u>Management</u> - 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

    <u>SUMMARY:</u> 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.

    <u>Note:</u> 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).

The proposed ordinance was approved by the Village Council on November 14, 2024, and is being presented for consideration on the 2nd and final reading.

Fiscal Impact: The proposed ordinance does not have a direct fiscal impact on the Village.
The Village Clerk, Ms. Wynn read the advertisement statement on the record. The Village Attorney, Mrs. Goddeau read the title of the caption to the record. Assistant Village Manager Glas-Castro presented this item. She stated that staff's presentation was computed on First Reading, but to summarize, the purpose of this ordinance is to bring the Village into compliance. She stated that the Planning, Zoning & Building Staff recommended amending the Village's Code of Ordinances to adopt the updated Flood Insurance Study and Flood Insurance Rate Maps for Palm Beach County, that were finalized by the Federal Emergency Management Agency (FEMA) to permit the Village to get an insurance discount by the State.

Mayor Smith offered public and Council comment. There were no comments.

Council Member Ready made a motion to approve Ordinance No. 2024-09, and Council Member Brinkman seconded the motion. There was a roll call vote: Vice Mayor Waller - Yes, Mayor Pro Tem Schmitz - Yes, Council Member Brinkman - Yes, Council Member Ready - Yes and Mayor Smith - Yes. The said motion carried 5-0.

16. **[Quasi-Judicial Hearing] Resolution No. 2024-69 - Special Exception Use (PSSE24-03) and Site Development Plan Amendment (SPR24-06) - Big Hope PPEC, Inc. Foundation: Motion to approve Resolution No. 2024-69 for an application submitted by Ms. Esther L Gordon Marquez, agent for the tenant, Big Hope PPEC, Inc. Foundation (Applicant), for a Site Plan Amendment (SPR-24-06) and concurrently requesting a Special Exception Use (PSSE24-03) to allow the conversion of a 2,100 square feet medical office into a child care facility located at 3230 Lake Worth Road.**
Staff: Iramis Cabrera, PZB Director

SUMMARY: Ms. Esther L Gordon Marquez, agent for the tenant, Big Hope PPEC, Inc ("Applicant"), applied for a Special Exception Use (PSSE24-03) and Site Plan Amendment (SPR24-06) approval to allow the conversion of a 2,100 square feet medical office into a childcare facility located at 3230 Lake Worth Road. The proposed tenant will be occupying one (1) unit within the medical center building.

Note: On May 13, 2004, the Village annexed the 0.86-acre property as a developed parcel with 7,028 square feet of professional building space.

Childcare facilities are permissible in the Commercial General (CG) district with the special exception of approval. The applicant proposes a childcare facility to care for children with medical or skilled nursing needs who cannot attend a traditional daycare. The center will serve children from birth to 21 with medical conditions that require nursing care and a doctor's prescription to attend. It is not open to the public. A prescribed pediatric extended care facility is not licensed by Florida's Department of Children and Families like a traditional daycare, but rather by the Florida Agency for Health Care Administration ("AHCA"), which also regulates assisted living facilities, nursing homes, and hospitals. Health conditions include Down syndrome, respiratory illness, autism, and cerebral palsy. A maximum of 30 children can be served at a time at the center from 7 a.m. to 7 p.m., Monday through Saturday. Registered nurses, licensed practical nurses and care assistants will work at the facility.

As part of the proposed project, the Applicant requested one (1) variance, approved unanimously by the Planning & Zoning Board during their regular meeting on November 12, 2024, to allow the elimination of the required outdoor play area.

The Planning & Zoning Board considered the proposed special exception use and site plan amendment during their regular meeting on November 12, 2024, and recommended conditional approval.

The Planning, Zoning & Building staff do not object to the proposed Special Exception Use and Site Development Plan Amendment and recommend conditional approval of the proposed project.

Fiscal Impact: The proposed project is expected to have a minor fiscal impact on the Village as it would require various Village services that would result in increased revenue for the Village.

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

Ms. Cabrera presented the item. She stated that Ms. Esther L Gordon Marquez, representing Big Hope PPEC, Inc., applied for a Special Exception Use and Site Plan Amendment to convert a 2,100 square-foot medical office at 3230 Lake Worth Road into a childcare facility for children with medical needs. The facility will cater to children from birth to 21 who require nursing care and a doctor's prescription, serving a maximum of thirty (30) children at a time, and operate from 7 a.m. to 7 p.m., Monday through Saturday. The facility is not open to the public and is regulated by the Florida Agency for Health Care Administration.

The Planning & Zoning Board approved the variance to eliminate the outdoor play area and recommended conditional approval for the project during their meeting on November 12, 2024. The Planning, Zoning & Building staff also supported the proposal.

The Applicant, Ms. Esther L Gordon Marquez was present to answer questions for the Council.

Mayor Smith offered the public and the Council an opportunity to speak on Resolution No. 2024-69. There were no comments from the public.

Council Member Ready asked if there would be anyone on the property overnight. Ms. Marquez advised him that there would be no one on the property overnight. Council Member Brinkman wanted to make the Applicant aware of the cross-access agreement on the adjacent property. Vice Mayor Waller asked if the children would have outside play activities. The Applicant explained that the children have medical conditions that limit their outdoor activities. The children would be grouped with other children with similar conditions. Additional conversation ensued about staffing needs and how the Center will help overwhelmed caregivers. Mayor Pro Tem Schmitz asked if the Center provided transportation. The Center will not provide transportation.

Council Member Ready inquired about the number of children that were signed up, and how can children get signed up. Referrals may come from hospitals, case workers, and pediatricians. There are thirty-three spaces available, and the center accepts insurance, including Medicaid.

Vice Mayor Waller made a motion to approve Resolution No. 2024-69, and Mayor Pro Tem Schmitz seconded the motion. The said motion carried 5-0.

17. **Resolution No. 2024-70 - Abandonment of a Portion of Reo Lane Right-of-Way: Motion to approve Resolution No. 2024-70 for the abandonment of a portion of Reo Lane right-of-way to facilitate the development of the property with the construction of twenty-four (24) residential dwelling units on an assemblage of three vacant parcels located on the west- south end of Reo Lane.**
Staff: Iramis Cabrera, PZB Director

SUMMARY: San Jose Palm Springs is requesting the abandonment of a portion of Reo Lane right- of-way to facilitate the development of the property with the construction of twenty-four (24) residential dwelling units on an assemblage of three vacant parcels located on the west-south end of Reo Lane. The site area currently features vacant residential land.

Note: The applicant requests site development plan approval, subject to a separate agenda item.

The subject right-of-way proposed for abandonment is generally south of Park Lane, east of Kirk Road, and on the west side of Reo Lane. The abandonment area is approximately 200 square feet (0.004 acres) in size and is a portion of improved right-of-way dedicated to the Village of Palm Springs on the plat of Hardman's Subdivision, as recorded in Plat Book 107, page 170 of the Palm

Beach County Records (recorded on April 21, 2006).

The Village Staff has obtained written confirmation from the utility companies and Public Work Department that they do not object to the abandonment.

The Planning & Zoning Board considered the proposed abandonment during their meeting on November 12, 2024, and recommended approval.

Fiscal Impact: The abandonment of 200 square feet will facilitate the development of the property, thereby increasing the value of the property.

Ms. Cabrera presented this item. She stated that staff supports the abandonment of a portion of Reo Lane's Right of Way. The Applicant, Mr. Corey O'Gorman had no additional comments.

Mayor Smith offered the public and the Council an opportunity to speak. There were no comments from the public. Council Member Brinkman asked if there was an existing sidewalk.

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

Council Member Ready made a motion to approve Resolution No. 2024-70 and Council Member Brinkman seconded it. The said motion carried 5-0**.**

18. **[Quasi-Judicial Hearing] Resolution No. 2024-71 - Planned Unit Development Site Plan - San Jose Palm Springs - 2961 Reo Lane: Motion to approve Resolution No. 2024-71; an application submitted by Mr. Corey O'Gorman, Agent for the Property Owner, 2961 Reo LLC, Hector Sardina & San Martín Homes, LLC, for a Planned Unit Development Site Plan (SPR24- 07) with six (6) waivers, for the construction of twenty-four (24) residential dwelling units intended to operate as a rental community on a 1.83 gross acre parcel at 2961 & 2971 Reo Lane.**
    Staff: Iramis Cabrera, PZB Director

    SUMMARY: Mr. Corey O'Gorman with Place Planning & Design, agent for the property owner, 2961 Reo LLC, Hector Sardina & San Martín Homes, LLC, requests approval of a PUD Site Development Plan (SPR24-07) with six (6) waivers to allow the construction of twenty-four (24) residential dwelling units which they plan to operate as a rental community.

    Each unit will be 1,672 square feet with three (3) bedrooms, two and a half (2.5) baths, and one (1) car garage, including bicycle storage and space for solid waste and recycling. The driveways provide spaces for up to 4 cars and a backyard area, enabling private spaces for each unit. The project will have a private road from Reo Lane to a shaped turn-around point.

The project will also have sidewalks on both sides of the road for ease, safety when walking, and connectivity from unit to unit to the shared mailbox and Reo Lane. All sidewalks and driveway paving will utilize permeable pavement, as approved by the Village, and the stormwater retention area will be on the south side of the site, out-falling into the LWDD canal.

As part of the proposed Planned Unit Development Site Plan, the applicant is requesting six (6) waivers:

- Waiver 1 - Relief from Sec.34-1064(e)1a - Allow a reduction in the required building front setback from 25 feet to 14 feet along Reo Lane.
- Waiver 2 - Relief from Sec.34-1064(e)1d - Allow a reduction in the required building rear setback from 20 feet to 10 feet along the west property line.
- Waiver 3 - Relief from Sec.34-766(1) - Allow twenty-four (24) dwelling units to be constructed on a 1.83-acre property rather than a 4-acre minimum lot size.
- Waiver 4 - Relief from Sec.34-1064(d)(1) - Allow the exclusion of the required common amenity area
- Waiver 5 - Relief from Sec.34-1064(c) - Allow a Planned Residential Development project on a 1.83-acre lot rather than on a 3-acre lot minimum required.
- Waiver 6 - Relief from Sec.34-1328 - Allow to reduce the width of parking spaces from 9 feet to 8 feet within the private driveways.

The applicant stated that for recreation, the project is within a 10-minute walk of Foxtail Park and a 20-minute walk from the Village of Palm Spring Park, offering ample recreational space near the development.

At the Planning & Zoning Board hearing on November 12, 2024, the board members expressed concerns regarding the proposed private driveway widths and the exclusion of the common amenity area and recommended denying the project.

The Planning, Zoning & Building staff have concerns about the requested waivers for the exclusion of the common amenity area and the reduction of the width of the parking spaces. Still, should the Council desire to recommend approval of the project, including the six (6) waivers requested, staff recommend that said motion be subject to the conditions listed on the Staff Report.

Mr. Corey Gorman, Mr. Hector Sardina, Assistant Village Manager Kim Glas-Castro, and Ms. Iramis Cabrera (via phone) were sworn in to give and present testimony.

Ms. Cabrera discussed the six (6) waivers submitted by the applicants.

Mr. Corey O'Gorman with Place Planning from 700 US Highway 1, North Palm Beach, gave testimony. Mr. Gorman gave testimony and entered it to the record. He explained that they proposed is seeking approval for a Planned Unit Development (PUD) Site Development Plan (SPR24-07) to construct twenty-four rental residential units. Each unit will be 1,672 square feet with three bedrooms, two and a half baths, and a one-car garage, along with bicycle storage and designated areas for solid waste and recycling. The project will include a private road, driveways for up to four cars per unit, and backyard spaces. Sidewalks will be installed on both sides of the road for safety and connectivity, using permeable pavement. Stormwater retention will be managed on the south side and discharged into the LWDD canal. The Applicant is requesting six waivers as part of the development plan. He talked about the six requested waivers:

- Waiver 1 - Relief from Sec.34-1064(e)1a - Allow a reduction in the required building front setback from 25 feet to 14 feet along Reo Lane.
- Waiver 2 - Relief from Sec.34-1064(e)1d - Allow a reduction in the required building rear setback from 20 feet to 10 feet along the west property line.
- Waiver 3 - Relief from Sec.34-766(1) - Allow twenty-four (24) dwelling units to be constructed on a 1.83-acre property rather than a 4-acre minimum lot size.
- Waiver 4 - Relief from Sec.34-1064(d)(1) - Allow the exclusion of the required common amenity area
- Waiver 5 - Relief from Sec.34-1064(c) - Allow a Planned Residential Development project on a 1.83-acre lot rather than on a 3-acre lot minimum required.
- Waiver 6 - Relief from Sec.34-1328 - Allow to reduce the width of parking spaces from 9 feet to 8 feet within the private driveways.

Mr. Hector Sardina at 187 Gregory Road Lake Clark Shores, spoke about his project. He discussed the renderings of the project. The project is the last phase of Reo Lane Redevelopment. He talked about the features of the property including ample parking, elevation, and infrastructure.

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

Council Member Ready asked if this was affordable housing. Mr. Sardines explained that this is affordable housing. They would like to keep the cost under $400,000, if possible. He added that he assists with mortgages, and wants to invest in the community. Council member Ready inquired about the demographics for the project. Mr. Sardinas stated these are fee- simple townhomes. The plan is to keep cost under $400,000. In the event that they rent, they would like to keep the price range to the high $2,000 per month. He received feedback from the community; everyone was excited.

Council Member Brinkman asked about the project platted as fee-simple. She also asked about the buffer. She is concerned with children going to Foxtail Park alone without a sidewalk that connects for walking. She also discussed her concerns with parking and recycling.

Vice Mayor Waller further explained her concerns about no individual mailboxes. Mr. Sardina responded that the USPS only allows mailbox banks. Mayor Smith supports the project but is also concerned with parking and the size of the garage. Mr. Sardina discussed his parking enforcement methods. They're amenable to making the necessary changes as listed in the staff report.

The Council and Applicant ensued a discussion about parking and amenities. They agreed to remove the 6th waiver request and approve the project with added conditions that include a fence on the southside line to prevent the kids from walking near the canal. Add a 6-foot black vinyl fencing that does eastern boundaries and widening of the driveway expand the driveway for Unit 1 and Unit 24.

Village Attorney Goddeau read the title of the amended caption.

Council Member Brinkman motioned for the approval of Resolution No. 2024-71 as amended, and Council Member Ready second it. The said motion carried 5-0.

Fiscal Impact: The proposed development will enhance the village's assessed property valuation.

ACTIONS AND REPORTS
There were Actions and Reports.

VILLAGE MANAGER COMMENTS
The Village Manager announced an Affordable Housing Workshop scheduled on January 23, 2025. He also discussed the County's initiation of an RFP for a transportation plan.

VILLAGE COUNCIL COMMENTS
The Village Council and Mayor Smith discussed the holiday events. They were pleased with the turnout.

ADJOURNMENT
Hearing no further business, Mayor Smith adjourned the meeting at 8:34 p.m.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **December 12,**

2024. Which minutes were formally approved and adopted by the Village Council on **JANUARY 9, 2025.**

Kimberly M. Wynn
Village Clerk

NEXT REGULAR MEETING:
THURSDAY, JANUARY 9, 2025,
AT 6:30 PM *(IMMEDIATELY FOLLOWING THE CRA MEETING)*