VILLAGE COUNCIL MEETING MINUTES, VILLAGE HALL - COUNCIL CHAMBERS 226 CYPRESS LANE PALM SPRINGS, FLORIDA AUGUST 21, 2025 AT 6:30 PM

CALL TO ORDER
Mayor Bev Smith called the Village Council Regular Meeting to order at 6:15 PM *(Immediately following the Special Meeting).*

ROLL CALL
Present: Mayor Bev Smith, Vice Mayor Kim Schmitz, Mayor Pro Tem Gary Ready, Council Member Johnnie Tieche, and Council Member Patti Waller

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Christy Goddeau, Village Clerk Kimberly M. Wynn, Police Chief Tom Ceccarelli, Sergeant-In-Arms, Planning, Zoning, and Building Director Iramis Cabrera, Utilities Director Jimmie Johnson, Assistant Utilities Director Paul Ward, Public Works Director Felipe Lofaso, Assistant Public Works Director Timothy Crespo, Finance Director Mara Frederiksen, Procurement Manager Sylvia Ward, IT Assistant Director Anthony Parsells, Deputy Village Clerk Jane Worth, Records Clerk Andrea Medero, Project Manager Andrew Klausner, and Human Resources Director Ashley Sainglus.

INVOCATION
Village Manager Bornstein led the Invocation.

PLEDGE OF ALLEGIANCE
Council Member Tieche led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA
Mayor Smith requested that Item #3, Approval of Transportation Planning Agency Member Appointment be moved to the Regular Agenda Item #15A.

Mayor Pro Tem Ready motioned for the approval of the agenda as amended and Vice Mayor Schmitz seconded the motion. The said motion carried 5-0.

CONSENT AGENDA
1. **Approval of July 24, 2025, Budget Workshop Minutes: Motion for the approval of July 24, 2025, Budget Workshop Minutes.**
   Staff: Kimberly Wynn, Village Clerk

2. **Approval of July 24, 2025, Village Council Regular Meeting Minutes: Motion for the approval of July 24, 2025, Village Council Regular Meeting Minutes.**
   Staff: Kimberly Wynn, Village Clerk

3. ***MOVED TO ITEM #15A*** **Approval of Transportation Planning Agency Member Appointment:** Motion to approve the Council appointment of Mayor Smith to the Transportation Planning Agency Board.
   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: The Transportation Planning Agency (TPA) Board is responsible for transportation planning in Palm Beach County, Florida.

   As a result of Council Member Joni Brinkman's resignation, a vacancy on the TPA Board was created. Mayor Bev Smith has volunteered to fill this position.

   The Council has been requested to approve the appointment of Mayor Bev Smith to the TPA Board.

   Mayor Smith spoke on this item. Mayor Smith suggested that since Vice Mayor Schmitz participates in a lot of activities on behalf of the Village, the Council would consider nominating Council Member Tieche as the Alternate Member on the TPA Board. In addition, Council Member Tieche currently works with the transportation plan.

   Mayor Pro Tem Ready motioned to appoint Mayor Smith as the Regular Member on the TPA and Council Member Tieche as the Alternate Member and Vice Mayor Schmitz seconded. The said motion carried 5-0.

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

4. **Appointments to the General Employees' Pension Board: Motion to approve the appointment of Mayor Pro Tem Ready and Mara Frederiksen to the General Employees' Pension Board to serve at the pleasure of the Village Council, and the Village Manager, respectively.**
   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: Mayor Smith resigned from the General Employees' Pension Board effective August 6, 2025, leaving a vacancy for a Council Member on the pension board. Assistant Village Manager Kimberly Glas-Castro resigned from the General Pension Board effective August 11, 2025, leaving a vacancy for the Village Manager designee position on the pension board.

Mayor Pro Tem Gary Ready and Finance Director Mara Fredericksen have expressed an interest in filling the two vacant seats. If appointed, Mayor Pro Tem Ready will serve at the pleasure of the Council in an ex officio capacity. Ms. Frederiksen will serve as the Village Manager's designee at the pleasure of the Manager.

If approved, the General Employees' Pension Board will have one (1) vacancy for a Resident Member.

Fiscal Impact: No fiscal impact.

5. **Approval of the Village Attorney Agreement - Torcivia, Donlon, Goddeau & Rubin, P. A. Motion for the approval to enter into an agreement with Torcivia, Donlon, Goddeau & Rubin, P.A. to provide legal services to the Village. The agreement will expire September 30, 2028.**
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Torcivia, Donlon, Goddeau & Rubin, P.A., has provided professional legal services to the Village since November 2007. Mr. Torcivia, Ms. Goddeau, and staff have developed a good working relationship with the Village, which has resulted in positive legal solutions/outcomes for the Village.

The scope of work provided varies and includes, but is not limited to:
- Growth management/annexation advice
- Review of the Village's resolutions, ordinances, contracts, etc., for legal form and sufficiency
- Provide legal opinions/interpretations.
- Labor and employment counsel
- General litigation representation
- Attendance at all Village Council meetings, Code Enforcement Special Magistrate Hearings, and Planning & Zoning Board meetings

Ms. Goddeau is requesting to renew the expiring agreement (September 30, 2025) with the following proposed amendments:
- A new term that would expire **on September 30**, 2028
- An approximate 2% increase in compensation for attorneys ($250 per hour), with an annual increase of $5 per hour beginning October 1, 2026.

Fiscal Impact: Funds to support legal services from Torcivia, Donlon, Goddeau & Rubin, P.A. are within FY 2026 General Budget.

6. **Resolution No. 2025-52 - Approve Acquisition of Real Property at 242 Cypress Lane and Budget Transfer: Motion for the approval of Resolution No. 2025-52 to approve the acquisition of the property at 242 Cypress Lane for the negotiated price of $645,000, amending the budget to transfer funds**

from Council Contingency, General Government, and Public Works.
Staff: Michael Bornstein, Village Manager

SUMMARY: The Village has expressed an interest in procuring real property located at 242 Cypress Lane (PCN 70-43-44-18-37-060-0081). Kathleen and Jeffrey Nelson, on behalf of their mother/mother-in-law, Ms. Margaret Murphy, owner, have agreed to the terms and price for the purchase of the property. The objective is to acquire the site for municipal use.

The staff are seeking the Village Council's authorization to proceed with the purchase of the property at the negotiated price of $645,000 + $120,000 contingency for any demolition, clearing, and sodding or costs that occur related to the property and the portion of Cypress Lane in front of the Police Department building. The Village Attorney and the Village Manager have evaluated the terms of the agreement.

Note: The Village Manager authorized Phase 1 and asbestos assessments to be conducted at a price of $7,885.

Note: The property was appraised at $665,000 in January 2024.

Budget Amendment to allocate funds from various departments in the amount of $765,000 to cover the expense.

Fiscal Impact: The purchase price of $645,000 and $120,000 is covered through a budget transfer from various departments, including Council Contingency, General Government, and Public Works.

7. **Professional Services Agreement - Lobbying Services - Ronald L. Book, P.A.: Motion to approve a Professional Services Agreement with Ronald L. Book, P.A., for a retainer amount of $50,000 for state lobbying services. Funding that is available is the proposed FY 2026 Village Council Budget.**
Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: For the past two years, the Village has engaged a law firm that specializes in lobbying services to represent our interests in Tallahassee and place us in a better position for State discretionary funding. With the assistance of the team from Ronald L. Book, P.A., the Village was able to obtain a State appropriation of $1 million for the Congress Avenue Sanitary Sewer Force Main project in FY24 ($750,000 for 2nd Avenue North Stormwater Improvements was approved by the Legislature in FY25, but vetoed by the Governor).

Staff are recommending that the Village again engage Ronald L. Book, P.A., who has an office in Tallahassee (Florida) and Hollywood (Florida). They bring extensive experience in legislative representation as well as professional respect among legislators. Locally, they have represented the Village of Royal Palm Beach, Loxahatchee Groves, Palm Beach County, and numerous other South

Florida cities.

The staff recommends that the Village Council approve the proposed Professional Services Agreement with Ronald L. Book, P.A., for State lobbying services.

Fiscal Impact: The proposed Fiscal Year 2026 Village Council budget includes $50,000 for a lobbyist. The item is budgeted in account 01111-53100 for Fiscal Year 2026.

8. **Resolution No. 2025-33 - Lease Agreement with Charles J. Taylor Post 4360 VFW For Use of Village Building as Clubhouse and Meeting Hall: Motion for the approval of Resolution No. 2025-33 to enter the new Lease Agreement with Charles J. Taylor Post 4360 VFW for five years, with an option to renew for 5 additional years, for use of the Village Building at 222 Cypress Lane as a Clubhouse and Meeting Hall.**
   Staff: Kimberly Glas-Castro, Assistant Village Manager

   SUMMARY: Charles J. Taylor VFW Post 4360 has leased the Village-owned building located at 222 Cypress Lane, within the Municipal Complex, since 1964 as its clubhouse and meeting hall. The most recent Lease Agreement expired on July 23, 2024, and VFW Post 4360 desires to enter into a new lease to continue utilizing the building.

   The proposed Lease Agreement provides for a five (5) year initial term commencing on approval of the new lease by the Village Council with one (1) five (5) year option to renew. A nominal annual rent charge of $1.00 is proposed. As part of the new lease, VFW Post 4360 agrees to maintain the required insurance, indemnify the Village, maintain the building and premises, and adhere to rules including, but not limited to, not utilizing the Lake Worth Drainage District easement for parking and/or access to the premises.

   Note: The provided policy expires in December 2025.

   Fiscal Impact: If approved, VFW Post 4360 would pay rent of $1.00 per year for the full ten (10) year term (if the five-year renewal option is exercised).

9. **Resolution No. 2025-50 Contract Award – ITB No. 2025B - 009 – Main & Pratt WTP Protective Coating System Restoration (TO #343 & TO #344) - Utilities Department – Shamrock Restoration Services Inc. Motion to approve Resolution No. 2025-50 to enter into a contract with Shamrock Restoration Services, in the amount of $929,644 for the Main & Pratt WTP Protective Coating System Restoration (TO #343 & TO #344). Funding is available from the Water Sewer fund.**
   Staff: Jimmie Johnson, Utilities Director

   SUMMARY: The Utilities Department needs to perform protective coating system restoration work to the infrastructure at the Main and Pratt Water Treatment Plant (WTP). The existing protective coatings were done in the early 2000s and have reached their end of life and have begun to deteriorate, leaving the Plant susceptible to corrosion and degradation. The coating systems applied to infrastructure are critical in prolonging service life and mitigating long-term damage to equipment and piping.

The Utilities Department advertised the project for bid on May 27th, 2025, and received the following eight (8) proposals.

Bid Proposals:

1. Creative Contracting Group - $813,900
2. Sun Art Painting Corp. - $873,560
3. Shamrock Restoration Services, Inc. - $929,644
4. Restoration & Protective Solutions LLC - $971,000
5. Southern Star Contractors, Inc. - $991,700
6. Titan Construction Management LLC - $1,575,000
7. Southern Road & Bridge, LLC - $1,591,500
8. WGM Quality Painting, Inc. - $2,000,000

After reviewing all the submitted bids, the Village determined that Creative Contracting Group and Sun Art Painting Corp had the lowest bids, but both were disqualified. Creative Contracting Group did not meet the required qualifications, and Sun Art Painting Corp submitted an incomplete bid package. Therefore, the Village's Project Management Team and the contracted engineer recommend awarding the contract to Shamrock Restoration Services. They are the lowest bidder who meets all the requirements. The project cost is not to exceed $929,644.

Fiscal Impact: The agreement with Shamrock Restoration Services Inc., for the Main & Pratt WTP Protective Coatings (TO #343 & TO #344) will be funded by Account No. 41336-56300 at a cost not to exceed $929,644 which is below the FY2025 approved budget of $1,800,000.00 for this project.

10. **Professional Services Agreement - Owner's Representative/Project Manager for Utilities Operations Building Project (Task Order No.331) - Gregory H. Siefker: Motion to approve a Professional Services Agreement with Gregory H. Siefker for an amount not to exceed $239,475.00 to serve as the project manager during the design and construction of the Utilities Operations Building Project (Task Order No. 331). Funding is available from the Water and Sewer Enterprise Fund.**
Staff: Jimmie Johnson, Utilities Director

SUMMARY: The Utilities department has requested the professional services of an "owner's representative" to serve as the project manager during the design and construction of the Utilities Operations Building Project (Task Order No. 331). An Owner's Representative represents the Village's interests and ensures coordination between the Construction Manager at Risk (To be Determined) and Design Professionals (Currie Sowers Aguila Architects and CHA Consulting, Inc.).

The Village staff recommends retaining Gregory (Greg) Siefker as the project manager. Mr. Siefker has over 30 years of construction experience. He has been a construction manager and owner's representative for many projects, such as FPL, Marriott, Norton Museum of Art, and is currently representing the Village as the Owner's Representative on the Villages Police Department Expansion Project. He will bring a level of expertise and experience that cannot be provided by Village staff.

The scope of services provided as the Village's Owner's Representative includes

<u>Pre-Construction Services</u>

1. Assist in completing the design with the Engineer/Architect.
2. Look for value engineering opportunities.
3. Be a member of, or advisor to, the Construction Manager (CM) at Risk Request For Proposal (RFP) Selection Committee.
4. Provide professional review of contract documents with supporting vendors.
5. Review of permit and scope documents to support pricing.
6. Review of Guaranteed Maximum Price (GMP) Proposal from the CM at risk.

<u>Construction Services</u>

1. Participate in telephone and electronic communications with the client and project team to coordinate the Project, discuss Project strategy, and provide periodic updates. OAC meetings are anticipated weekly, with separate update meetings scheduled as needed for Utilities management.
2. Review proposed contract changes in order to validate changes or scope deficiencies and confirm that proposed material and labor rates are in line.
3. Review the validation of Contractors' monthly pay applications and vendors' invoices. Manage all Notices to Owner, logging monthly partial releases associated with contractor's applications for payment.
4. Coordinate with Village of Palm Springs Building Department staff to develop a punch list of items needed to be completed to obtain a certificate of completion for each project component.

5. Support warranty process and compilation of manufacturers' warranties.
6. Support Project closeout with review of final lien releases and Final Affidavit by General Contractor.

Mr. Siefker has committed his attention to the Village's construction project for the duration of the effort. His hourly rate is $195 through December 31, 2025, and will be increased to $215 per hour through the end of the project, and he estimates an average of 15–20 hours during pre- construction and 15–20 hours per week during construction, with variations as each phase progresses. The total amount to be paid by the Consultant under this Agreement shall not exceed Two Hundred Thirty-Nine Thousand Four Hundred Seventy-Five Dollars ($239,475.00).

Note: Greg Siefker is recommended due to his value-added approach that results in project cost savings, proximity to the Village, and his professionalism. He has agreed to the terms of the draft professional services agreement that was drafted by the Village Attorney.

The Village has previously worked with Mr. Siefker, but his references commented that he provided excellent service in their construction efforts.

Fiscal Impact: The cost for these services will be included in the Utilities Operation Building construction project and funded through account #56200 in the Water and Sewer Enterprise Fund with a total amount does not exceed Two Hundred Thirty-Nine Thousand Four Hundred Seventy-Five Dollars ($239,475.00).

11. **Resolution No. 2025-20 - Approve a Three-year Contract Renewal with Epicurean Park LLC for Landscape Services Village Wide: Motion to approve Resolution No. 2025-20 to renew an amended agreement with Epicurean Park, LLC for three years and improve an increase for the total annual cost of $156,294.00. Funding is available from multiple departments.** Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Village's Public Works Department actively manages all the mowing, edging, trimming, and weeding of all public facilities, green spaces, and parks. As part of maintaining a high level of service for our residents and stakeholders on Village-owned property, Landscape Services was contracted out in 2022 to Epicurean Park LLC. The vendor has performed exceptionally well and maintains a high standard for landscape maintenance services throughout the Village. The initial contract period is for a 3-year term expiring on September 5, 2025, with the option to renew for an additional 3-year term beginning on September 6, 2025. The initial 3-year contract period held all contract rates with no increases. The contractor has submitted a request for cost increases of approximately 17%, which equates to $27,204.00. The increase in costs comes after the contractor experienced labor wage, insurance, and equipment cost increases across the board.

The Public Works Department is recommending the First Amendment to Epicurean Park LLC Landscape Services Agreement for the 3-year renewal at an annual cost of $156,294.00.

Fiscal Impact: The First Amendment to the Epicurean Park LLC Landscape Services Agreement has an annual cost of $156,294.00, which is funded through the General Fund, comprising the Public Works, Parks and Recreation, and Water Utility Departments. The contract's financial breakdown is as follows: Public Works - $72,174.00, Parks and Recreation - $67,380.00, Water Utilities - $16,740.00

12. **Resolution No. 2025-51 Approval of the Agreement between the Village of Palm Springs and Palm Beach County for the FY26 Community Development Block Grant (CDBG) for the Lakewood Gardens Park Improvements Project: Motion to approve Resolution No. 2025-51 to authorize the Mayor or their designee to approve an Interlocal Agreement with Palm Beach County to provide CDBG funding for Lakewood Gardens Park Improvements and the Village for $129,228 in FY 26.**
    Staff: Felipe Lofaso, Public Works Director

    SUMMARY: The Village of Palm Springs is located within the Housing and Urban Development (HUD) entitlement area and therefore receives Community Development Block Grant (CDBG) funds each year as allocated. For FY26, the Village is scheduled to receive $129,228.00 from the Palm Beach County (PBC) CDBG program for the purposes of Capital Improvements for Public Facilities Improvements. Staff have identified Lakewood Gardens Park at 4000 Lakewood Road, Palm Springs, as a good candidate for capital improvements to replace the existing fencing and improve the on-street parking for vehicles. The total improvements are estimated to cost approximately $130,000 and be fully funded through the CDBG fund allocation.

    Fiscal Impact: The approval of the Agreement with the Village of Palm Springs and Palm Beach County is being funded with a CDBG grant in the amount of $129,228.00 which is fully reimbursable.

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

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

PRESENTATIONS

13. **Presentation from Rhonda Giger, General Counsel with the Palm Beach County Commission on Ethics**
Staff: Kimberly Wynn, Village Clerk

Ms. Rhonda Giger, General Counsel with the Palm Beach Commission on Ethics, introduced herself to the Council. She stated that the Palm Beach Commission on Ethics is celebrating its 15-year anniversary. They are available to come onsite for training employees and elected officials. Ms. Giger also distributed new ethics books for employees.

Mayor Smith offered the public an opportunity to speak. There were no public comments. Mayor Smith asked for clarification on filing Form 9.

14. **Presentation from Palm Beach County Fire Rescue: Battalion Fire Chief Ronald Martinez will provide an update on Palm Beach County Fire Rescue Operations**
Staff: Kimberly Wynn, Village Clerk

Palm Beach County Battalion Fire Rescue Chief Ronald Martinez advised the Council that a short video would be sent before the meeting. Chief Martinez said that PBCFR is busy with hiring. The agency begins taking applications in June. He discussed the carbon monoxide alarm installation project.

Mayor Smith offered the public and Council an opportunity to speak. Mayor Pro Tem Ready asked the status of the geo-fencing with the traffic lights. Chief Martinez explained the project is still in the infancy stages. Palm Springs is the first and only city that will use it at this time. They also discussed the proposed schedule changes that would take effect in 2027 for fire rescue if approved. Fire Rescue would do 24-hour shifts, then have 72 hours off. There is a concern about the mental health of fire personnel. The change will increase the personnel, and Kelly days will be removed. Further discussion ensued about staffing.

15. **Presentation on the Creation of a Village Standard for Landscaping in the Right-of-Way, Village Facilities and Parks - Public Works Department**
Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Public Works Department is actively involved in the maintenance and care of trees, hedges, and ornamental plants throughout the Village's rights-of-way and public spaces. This presentation will review various landscape palette options for consideration in new construction projects, the replacement of existing landscaping, and, new plantings along roadways. Topics of discussion will include suitable types of trees, hedges, and ornamental plants that are drought and heat-tolerant, an overview of native landscape options, and factors to consider for maintenance efficiency.

Fiscal Impact: There is no fiscal impact on this item as it is a presentation only.

Mr. Lofaso spoke on this item. He presented a variety of landscaping options to consider for new construction projects, the replacement of outdated or damaged landscaping, and the introduction of new plantings along roadways. Mr. Lofaso discussed the range of tree species, hedge varieties, and ornamental plants that are specifically chosen for their ability to thrive in drought and heat conditions. Additionally, he provided an overview of native landscaping options that can enhance local biodiversity. Lastly, he discussed important factors to consider for ensuring efficient maintenance of these landscapes, to ensure they remain healthy and vibrant over time.

Mayor Smith offered the Council and public an opportunity for further comment.

Mayor Pro Tem Ready asked if the Village would need an arborist to maintain the trees. Mr. Lofaso advised that the more mature trees may require an arborist. Mayor Pro Tem Ready also inquired about insect-resistant trees. Mr. Lofaso stated that the Village tried to plant native trees to prevent it.

Council Member Waller asked about the use of Liriope grass. She supported the idea of having a certified arborist on staff. Vice Mayor Schmitz thanked the staff for their attention to detail and research on the various plants, hedges and trees. Council Member Tieche complimented the staff on the landscaping at Greenbrier Drive and Davis Road. Mayor Smith likes Foxtail Palms and the ground coverings. She also likes the Spanish Stopper; however, there is a foul smell emitted from them in the summer. She questioned whether the trees are pet-friendly.

At this point, the Council asked for an update on the 2nd Avenue Building Renovation project and the Complete Streets Project. Mr. Lofaso provided an update. The project should be completed in about 3 months. The Complete Streets project is scheduled to be done in 2028-2029.

PUBLIC COMMENT

Mayor Smith opened the meeting to public comment. There were no comments from the Public.

REGULAR AGENDA

16. **Resolution No. 2025-48 Approve a Purchase Order with ThinkGuard - FY2025: Motion to approve Resolution No. 2025-48 as a Best Interest on a 4/5 vote, authorizing the Mayor, or her designee, to execute a Purchasing Agreement for a term of three (3) years with ThinkGuard for $223,123 to maintain IT services. Funding is available in the FY 2025 General Budget.**
    Staff: Mara Frederiksen, Finance Director

SUMMARY: The Village has been utilizing VC3 since September 2018 for disaster recovery services and 24/7 cybersecurity. On October 26th, 2023, VC3 began its partnership with ThinkGuard. ThinkGuard is a leading technology risk management firm founded in 2013 with a specific focus on serving the public sector to provide these services. To support, maintain, and continue these vital services, the IT Department is requesting approval from the Council to maintain services through ThinkGuard.

The Village's Purchasing Code, Section 58-11, Best interest acquisitions, provides that the Village may acquire or contract for non-real property, goods or services without utilizing the competitive selection purchasing requirements where the Village Council declares by at least a four-fifths (4/5) affirmative vote that the competitive selection process is not in the best interest of the Village. The Village Council shall make specific factual findings that support its determination, and such contracts shall be placed on the regular village council agenda. This provision may not be used to contract for goods or services which such a contract would exceed the limits outlined in F.S. §§ 287.055 or 255.20, as amended.

If approved, the Village would issue ThinkGuard a purchase order with our terms and conditions. The total cost of Cybersecurity Services within the Village for the next 3 years is $223,123. This funding was included within the FY 2025 Budget - General Fund as adopted and in subsequent budget years. The Village will not expend more than the amount within the approved budget, as it may be adopted/amended each year for these goods and services over the term of this contract.

Fiscal Impact:

- Implementation and first month's fees = $19,493.00 (August)
- September recurring = $5,818.00
    - Total expenditure for FY25 = $25,311.00

3-year contract for services = $223,123, including initial hardware and implementation

Ms. Frederiksen presented this item. She explained that the Village has been using VC3 for disaster recovery and cybersecurity since September 2018. On October 26, 2023, VC3 partnered with ThinkGuard, a technology risk management firm focused on the public sector. The IT Department is seeking approval from the Council to continue these services with ThinkGuard.

According to the Village's Purchasing Code, Section 58-11, the Village can acquire services without competitive selection if the Council votes by at least four-fifths (4/5) that it is not in the Village's best interest. If approved, a purchase order will be issued. The total cost for Cybersecurity Services over the next three years is $223,123, covered in the FY 2025 Budget and future budgets, ensuring expenditures do not exceed approved limits.

Village Attorney Goddeau read the title of the caption to the record. Mayor Smith offered the public an opportunity to speak on this item. There were no comments.

Mayor Pro Tem Ready motioned for the approval of Resolution No. 2025-48, and Vice Mayor Schmitz seconded the motion. The said motion carried 5-0.

PUBLIC HEARINGS

17. **(Quasi-Judicial Hearing) Resolution No. 2025-47 - Site Development Plan Amendment - (SPR25-07) - Village of Palm Springs - Utility Department - New Operations Building - 360 Davis Road: Motion to recommend approval of an application submitted by Mr. Jess Sowards, AIA, and Jayson Hall on behalf of the Village of Palm Springs Utility Department ("Applicant"). Requesting approval for a Site Development Plan Amendment (SPR25-07) to allow the construction of a 22,670-square-foot operations building within the water treatment plant property located at 360 Davis Road.**
Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Jess Sowards, AIA & Jayson Hall, on behalf of the Village of Palm Springs Utility Department ("Applicant"), are requesting a Site Development Plan Amendmentapproval (SPR25- 07) to allow the construction of a 22,670 square-foot building designated for the operations building within the water treatment plant property located at 360 Davis Road.

The Village of Palm Springs Utility Department is proposing improvements to the Utility Emergency Operations Center (EPOC) Building at the Main Water Treatment Plant. The services generally consist of a two-story building for the Utility Department's Emergency Operations Center and Operations Building on the existing water utilities site.

The project includes the following demolitions:

1. Demolition of the existing Water Treatment Plant Office.
2. Demolition of the existing generator enclosure, fuel tank, fuel dispenser, and fuel storage building.
3. Demolition of existing Metal Building (one-story maintenance metal building).

The proposed operations building will be designed to accommodate the personnel of the water treatment plant and store essential components for water treatment operations. Additionally, the facility will provide storage for the VAC trucks utilized in the treatment processes.

The proposed operations building is approximately 22,670 gross square feet in total and includes:

- Office space within a two-story building with approximately 11,818 square feet.
- Water plant parts storage.
- Truck bays.
- And a mezzanine area of approximately 8,851 square feet.

Note: The mezzanine serves as overflow storage for water treatment plant parts.

Site improvements include enhancements to the impervious surfaces with new landscape islands, additional parking, a new generator enclosure, and the relocation of the fuel dispenser.

The Planning & Zoning Board considered the proposed site plan during their meeting on July 8, 2025, and recommended approval.

Staff reviewed the proposed Site Development Plan Amendment and found the proposed expansion to be generally consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed project is generally consistent with the Land Development and Zoning Regulations and all other portions of the code.

The Planning, Zoning, and Building Staff supports the applicant's request and recommends conditional approval to facilitate improvements in the utility emergency operations center for the water treatment plant.

Fiscal Impact: Funding to support the project is available within the FY 2025 and FY 2026 Budgets - Water and Sewer Enterprise Fund.

Mayor Smith asked the Council to disclose their ex parte communication. Mayor Pro Tem Ready disclosed that he attended the Planning and Zoning Board meeting where this item was discussed. The Village Clerk, Ms. Wynn swore in the applicant and staff.

Dr. Johnson introduced the engineer, Mr. Jess Sowards. The Utilities Department is requesting approval of a Site Development Plan Amendment (SPR25-07) for a 22,670- square-foot operations building at the water treatment plant located at 360 Davis Road. This project involves demolishing the existing Water Treatment Plant Office, generator enclosure, fuel tank, and a one-story maintenance metal building. The new two-story building will serve as the Utility Emergency Operations Center and will house office space, water plant parts storage, truck bays, and overflow storage in a mezzanine. Site improvements will include new landscaped islands, additional parking, a generator enclosure, and a relocated fuel dispenser. Mr. Sowards entered the staff report into the record, along with the presentation.

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

Mayor Pro Tem Ready asked if the handicap spaces in front of the proposed building were required. Council Member Waller questioned if the root system from the trees would damage the piping. Mayor Smith questioned the elevation level of flooding at the plant. Mr. Ward spoke about the precautions taken to avoid flooding. The Council asked about the cost
of the project. Staff responded that they did not have the total cost at this time, but they are looking at roughly 12 million dollars.

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

Council Member Waller made a motion to approve Resolution No. 2025-47, and Vice Mayor Schmitz seconded. The said motion carried 5-0.

18. **(First Reading) Ordinance No. 2025-07 Approval of Amendments to Employee Regulations Handbook: Motion for the approval of Ordinance No. 2025-07; to amend Ordinance No. 2023-08 Employment Regulations for Village employees.**
Staff: Ashley Saingilus, Human Resources Director

SUMMARY: The Village of Palm Springs Employment Regulations Handbook was established on October 10, 1996, per Ordinance No. 96-07. The last revision of the employee regulations was completed on September 26, 2023 (Ordinance No. 2023-08). The proposed amendments reflect changes and/or updates to village policies and procedures as well as updates to state laws. The revisions also meet the current practices of the Village.

These regulations provide a clear set of guidance for all Village employees by providing policies, procedures, and appropriate conduct as a Village employee.

The Human Resources Director is responsible for the provisions regarding the employee handbook and will bring forward any amendments to the Village Council through the Village Manager.

Key Summary of Changes:

- 2.5 Background Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired or revoked.
- 2.7 Employment of Relatives – Nepotism - Added Language and reference to Palm Beach County Code of Ethics
- 6.3 Social Networking, Social Media, and Blogging - Consolidating the standalone policy and the version in the employee regulations into a single unified policy to eliminate duplication and ensure consistency.
- 7.8 Employee Classification and Compensation Plan Starting Pay/ Administrative Salary Increase – Added HR Director in approval chain

- 7.9 Personal Use of Vehicles in Reference to Village of Palm Springs Take-Home Vehicle Policy – Non-Police
- 8.9 Paid Parental Leave – New policy
- 10.4 Travel Expenses While on Village Business – Updated language and added updated per diem allowance for meals and lodging.
- 10.5 Local Travel and Expenses – Updated Language
- 10. 9 Periodic Record Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired, or revoked.
- Chapter 11: Employee Tuition Reimbursement - Consolidating the standalone policy and the version of the employee regulations into a single unified policy to eliminate duplication and ensure consistency.
- 12.2 Personal Leave Incentive Payment Program – Updated language and removed specific criteria for eligibility.
- Chapter 14: Drug-Free Workplace Policy - Consequences of Positive Confirmed Test Result – Updated language and consequences for violation of policy.
- Chapter 16: Hurricane & Emergency Preparedness – Added new chapter
- 16.2 Local Emergency Pay Conditions - Consolidating the standalone policy and the version of the employee regulations into a single unified policy to eliminate duplication and ensure consistency. Revisions are included to add Florida Recovery Obligation Calculation (F-ROC) standards/changes.
- 20.4 Types of Offenses/Bad Conduct – amended the policy language to establish an amount that constitutes excessive.

The proposed amendments were prepared by the Human Resources Director and reviewed by the Village Attorney.

Fiscal Impact: There is no financial impact.

Mrs. Saingilus presented this item. She explained that the Village of Palm Springs Employment Regulations Handbook was established on October 10, 1996, with the last revision on September 26, 2023. The revisions reflected updates to Village policies, procedures, and state laws. Mrs. Saingilus explained that the changes condensed, combined, amended, and removed certain language.

Mayor Smith offered the public an opportunity to speak. There were no questions from the public.

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

Mayor Pro Tem Ready made a motion to approve Resolution No. 2025-07 and Council Member Tieche seconded. The said motion carried 5-0.

19. **<u>Resolution No. 2025-49 - Amending Section 177.071, Florida Statutes by Designating an Administrative Official to Administratively Approve Plats and Replats:</u> Motion to approve complying with Senate Bill 784 (2025), which amended Section 177.071, Florida Statutes, by requiring all plats and replats to be administratively approved and requiring all municipalities to designate an administrative official to administratively approve, approve with conditions, or deny plats and replats on or after July 1, 2025.**
Staff: Iramis Cabrera, PZB Director

<u>SUMMARY</u>: During the most recent 2025 Florida Legislative Session, Senate Bill 784, which was signed into law on June 20, 2025, and became effective on July 1, 2025, amending Section 177.071, Florida Statutes, related to the platting and replating approval process, and now requires be administratively approved by a designated authority of the local government, and no further action or approval by the governing body is required if the plat or replat complies with the statutory requirements.

The law requires the Village Council to adopt a Resolution or Ordinance appointing an "administrative officer or employee" as the person who is to approve plats and replats. Staff recommend the Planning, Zoning, and Building Director as the administrative authority and official responsible for reviewing, processing, and administratively approving or denying plats and replats for the Village.

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

<u>Fiscal</u> <u>Impact</u>: Amending the Florida Statutes, which is required due to new approved legislation during the 2025 Florida Legislative Session, does not have a fiscal impact.

Ms. Cabrera presented Resolution No. 2025-49. She stated that Senate Bill 784 was effective July 1, 2025. It allows for administrative approval of plats and replats by a designated local authority, eliminating the need for Council approval if statutory requirements are met. Ms. Cabrera recommended the appointment of the Planning, Zoning, and Building Director as the approving officer.

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

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

Council Member Waller motioned for the approval of Resolution No. 2025-49, and Vice Mayor Schmitz seconded. The said motion carried 5-0.

20. **(First Reading) Ordinance No. 2025-05 - Repealing Section 34-1337 of the Village of Palm Springs Code Ordinance to comply with Section 366.94, Florida Statutes: Motion to approve Ordinance No. 2025-05 to repeal Section 34-1337 (Ordinance No. 2023-05) to comply with Section 366.94, of the Florida Statutes, which preempted to the state the regulation of electric vehicle charging stations.**
Staff: Iramis Cabrera, PZB Director

SUMMARY: During the most recent 2025 Florida Legislative Session, Senate Bill 700, which was signed into law on May 15, 2025, amended Section 366.94, Florida Statutes, related to electric vehicle charging stations, including the following revisions:

- Regulation of electric vehicle charging stations is preempted by the State.
- The requirement that local governments issue permits for electric vehicle charging stations is based solely upon standards established by the Department of Agriculture and Consumer Services and other applicable state law.
- Approving or denying the permit application shall follow the time period established by the Department of Agriculture and Consumer Services.
- Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the Department of Agriculture and Consumer Services in a form prescribed by department rules.

Note: On May 11, 2023, the Village Council approved a code amendment under Ordinance No. 2023-05 to add a new Section 34-1337, including regulations for electric vehicle charging stations.
Currently, as required by Section 366.94, Florida Statutes, staff are requesting to repeal Village Code Section 34-1337 to be in compliance with the state laws and regulations.

From the permitting perspective, the Planning, Zoning, and Building Department will follow the standards established by the Department of Agriculture and Consumer Services and all applicable state laws.

Fiscal Impact: Repealing the Village Code of Ordinances, which is required due to new approved legislation during the 2025 Florida Legislative Session, does not have a fiscal impact.

Ms. Cabrera presented Ordinance No. 2025-05. She stated that during the 2025 Florida Legislative Session, Senate Bill 700 was signed into law on May 15, 2025, amending Section 366.94 regarding electric vehicle charging stations. She described some of the key points included:

- State preemption over the regulation of electric vehicle charging stations.

- Local governments must issue permits based solely on standards established by the Department of Agriculture and Consumer Services.
- The permit approval process must adhere to a timeframe set by the Department.
- Chargers must be registered with the Department before being used publicly.

Further, she explained that to comply with the new state laws, the Village Council is requesting the repealing of Village Code Section 34-1337, which was established under Ordinance No. 2023-05.

Village Attorney Goddeau read the title of the caption into the record. Mayor Smith offered the public and Council an opportunity to speak.

Mr. Thomas Arth at 240 Tam O'Shanter Drive: Mr. Arth commented about the Village's participation with lobbyists and his concern about the state impeding on home rule. Mayor Smith addressed his concerns. She responded that the Village advocates through the League of Cities, and we also have a lobbyist that represents the Village here, as well as in Tallahassee.

Mayor Pro Tem Ready motioned for the approval of Ordinance No. 2025-05 and Council Member Waller seconded. The said motion carried 5-0.

21. **<u>(First Reading) Ordinance No. 2025-06 - Village Code Amendment - Section 14-61 - Hours of Operation of Establishments and Section 34-891 - Hours of Operation and Hours of Construction Activity</u>: Motion to approve Ordinance No. 2025-06 to amend the Code of Ordinances, Chapter 14, “Businesses”, Article III, “Alcoholic Beverages”, Section 14-61, to clarify existing regulations on the sale of alcoholic beverages; and amend Chapter 34, Article VI, Section 34-891, to permit extended hours of operation for fuel and gas stations.** Staff: Iramis Cabrera, PZB Director

    <u>SUMMARY:</u> The Planning, Zoning, and Building staff are requesting a housekeeping amendment to the Village Code, specifically Chapter 14 - Businesses, Article III - Alcoholic Beverages, Section 14-61 - Hours of Operation for Establishments Serving Alcohol. They are also proposing amendments to Chapter 34 - Land Development, Article VI - Land Use, Division 7 – Supplemental District Regulations, Section 34-891 - Hours of Operation and Hours of Construction Activity. These amendments aim to clarify existing provisions regarding the dispensing and selling of alcoholic beverages in accordance with Florida Statutes. The goal is to ensure that the operating hours for establishments selling alcoholic beverages are clearly defined for both on-premise and off-premise consumption.

    Additionally, the staff seeks to allow full-service or gas stations (with or without convenience stores) to operate at regular hours from 6:00 am to midnight. These establishments would also have the option to apply for an administrative variance, or request an extension of their operating hours from the Village Council.

It is important to note that the provisions in Section 34-891 concerning hours of operation for selling alcoholic beverages for off-premises consumption will be removed and relocated to Section 14-61, consolidating all regulations regarding alcoholic beverages into one section.

The hours of operation for establishments dispensing and selling alcoholic beverages are as follows:

All establishments wherein alcoholic beverages are dispensed for on-premises consumption	7:00 am – 2:00 am Sunday does not commence until noon.	If located within 250 feet of a residential district, 7:00 am – 11:00 pm
Restaurants	As late as 11:00 pm	
Package liquor stores for consumption off-premises	7:00 am – 2:00 am	
All establishments (except for package liquor stores) wherein alcoholic beverages are sold for off-premises consumption	7:00 am - 11:00 pm	Administrative variance can be approved to extend its hours from 11:00 pm to Midnight
A fuel station or gas station, with or without a convenience store, legally exists within the Village as of October 1, 2025.	6:00 am - Midnight	Administrative variance can be approved to extend the hours. However, such extended hours should not include selling alcohol ic beverages.
All new fuel stations or gas stations, with or without a convenience store, do not legally exist within the Village as of October 1, 2025.	6:00 am - Midnight	Variance requires council approval

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

<u>Fiscal</u> <u>Impact</u>: Amending the Land Development Regulations does not have a fiscal impact on the Village.

Ms. Cabrera presented Ordinance No. 2025-06. She said this is a housekeeping item that the Planning, Zoning, and Building staff propose amendments to clarify hours of operation for establishments serving alcoholic beverages and align them with Florida Statutes. Key points include:

1. Clear operating hours for on-premise and off-premise consumption.

2. Full-service gas stations may operate from 6:00 am to midnight, with an option for extended hours.

3. Consolidation of off-premise alcoholic beverage regulations into Section 14-61. Village Attorney Goddeau read the title of the caption to the record. Mayor Smith offered the public and Council an opportunity to speak. There were no comments from the public. Mayor Pro Tem Ready asked how this ordinance would be enforced. Ms. Cabrera advised the same code enforcement steps to be used (warning, citation, etc.).

Mayor Pro Tem Ready motioned for the approval of Ordinance No. 2025-06 and Council Member Tieche seconded. The said motion carried 5-0.

22. **<u>(First Reading) Approve Ordinance No. 2025-01 - Revise the Purchasing Policy and</u> <u>Ordinance:</u> Motion to approve Ordinance No. 2025-01 to amend Chapter 58, "Purchasing Code" of the Village Code of Ordinances to increase the Village Manager's purchasing authority; by updating, clarifying, and deleting certain purchasing provisions; by adding provisions for the acquisition of real property and settlement authority of claims; by allowing for the adoption of a new procurement policy with Village Manager.**
Staff: Kimberly Wynn, Village Clerk

<u>SUMMARY</u>: First Reading of Ordinance 2025-01 to Revise Ordinance 2022-01 Village Code Amendment (Chapter 58) and rescind Resolution 2022-25 (Purchasing Policy) as Administrative.

Upon approval of the Ordinance, changes will come to the Council and the administrative functioning of the changes within the Purchasing Policy will be managed under the Village Manager's Authority.

Ordinance Key Changes

- **<u>Section 58-1 (Purpose and application)</u>**
    - Recognize Procurement Manager as appointed by the Village Manager
- **<u>Section 58-4 (Purchasing Thresholds)</u>**

  - Purchases up to $7,500: Department Head approval.
  - $7,501 to $25,000: Approvals required from Department Head, Procurement, and Finance.
  - $25,001 to $50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.
  - Defined "Small Purchases" as under $50,000
- **Section 58-5 (Purchasing protests)**
  - **Change procurement official to procurement manager**
- **Section 58-2 (Exempt Purchases)**
- **Section 58-6 (Competitive Selection purchase requirements)**
- **Section 58-7 (Alternative purchasing methods)**
- **Section 58-8 (Cooperative purchasing)**
- **Section 58-9 (Accessing contracts of other government agencies)**
- **Section 58-10 (Village Standard)**
- **Section 58-12 (Emergency purchases)**
- **Section 58-16 (Finance Department Responsibilities)**
- **Section 58-17 (Unauthorized Purchases)**
- **Section 58-18 (Contracting authority in general)**
- **Section 58-19 (Authorization to dispose of surplus goods)**
- **Section 58-20 (Enforcement of purchasing code)**
  - Moved to Procurement Policy
- **Section 58-11 (Best Interest Acquisition)**
  - Moved to Procurement Policy
  - Changed 4/5 vote requirement to majority consent
- **Section 58-16 (Land Purchases) (New 16)**
  - New section to address purchase of Village property

Purchasing Policy Key Updates:

1. **Approval Threshold Adjustments:**
   - Purchases up to $7,500: Department Head approval.
   - $7,501 to $25,000: Approvals required from Department Head, Procurement, and Finance.
   - $25,001 to $50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.
2. **Revised Purchasing Thresholds and Documentation Requirements:**
   - Under $7,500: Price quotes recommended but not mandatory.
   - $7,501 to $25,000: At least one written price quote is required.
   - $25,001 to $50,000: Minimum of three written price quotes required.
   - Over $50,000: Formal solicitation process mandated.
3. **Emergency Procurement Procedures:**
   - Updated to align with (F-ROC) recommendations.
4. **Procurement Process Enhancements:**
   - Streamlined solicitation procedures to improve efficiency.
   - Emphasis on utilizing purchase orders as the preferred procurement method over procurement cards (P-cards).

Fiscal **Impact**: The Purchasing Code Section 58 is set up to provide guidance to Village Staff and standardize current policies. There is no direct fiscal impact, but overall should improve efficiency of purchasing for Village operations.

Ms. Frederiksen presented Ordinance No. 2025-01. Ms. Frederiksen summarized the key changes to the Purchasing Policy. There were changes to the approval threshold amounts for Department Heads, and Village Council. Further, the Emergency Procurement Procedures and formal solicitation requirements were revised. Ms. Frederiksen also stated that portions of the purchasing policy were removed from the Ordinance, and added to the Purchasing Policy. She advised the Council that the proposed changes aligned with neighboring cities and past spending practices.

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

Mayor Pro Tem Ready asked if the Procurement Manager, Mrs. Ward would offer instruction to other municipalities on procurement. Ms. Frederiksen clarified that Mrs. Ward would continue to educate Village staff.

Vice Mayor Schmitz motioned for the approval of Ordinance No. 2025-01, and Council Member Waller seconded. The said motion carried 5-0.

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

Village Manger Bornstein congratulated Council Member Tieche on his appointment. He also congratulated Police Chief Wes Smith (Lake Clark Shores) on his retirement. Mr. Bornstein complimented the staff on their growth and the number of projects presented before the Council that are being completed.

VILLAGE COUNCIL COMMENTS

The Council commented on the Florida League of Cities conference that they attended. They congratulated Council Member Tieche on his appointment. Congratulated Chief Smith on his retirement. Council Member Tieche also talked about the fishing event. He commented that someone caught 51 fish. Mayor Pro Tem Ready reported each event he attended.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the Regular Council Meeting at 7:42 PM.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **August 21, 2025**. The minutes were formally approved and adopted by the Village Council on **September 11, 2025.**

Kimberly M. Wynn
Village Clerk

NEXT REGULAR MEETING:
THURSDAY, SEPTEMBER 11, 2025 (FIRST BUDGET HEARING)
AT 6:30 PM