



MINUTES
VILLAGE COUNCIL MEETING- COUNCIL CHAMBERS
226 CYPRESS LANE, PALM SPRINGS, FLORIDA 33461
FEBRUARY 10, 2022, at 6:30 PM

COUNCIL

- Mayor Beverly Smith
- Vice Mayor Gary Ready
- Mayor Pro Tem Doug Gunther
- Council Member Joni Brinkman
- Council Member Patti Waller

ADMINISTRATION

- Village Manager Michael Borenstein
- Village Attorney Glen Torcivia
- Village Clerk Kimberly Wynn

CALL TO ORDER

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

ROLL CALL

Present: Mayor Beverly Smith, Vice-Mayor Gary Ready, Mayor Pro Tem Douglas Gunther, Council Member Patti Waller, and Council Member Joni Brinkman

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Glen Torcivia, Village Clerk Kimberly Wynn, Assistant Village Manager Kim Glas-Castro, Police Chief Tom Ceccarelli as Sergeant in Arms, Planning, Zoning and Building Director Iramis Cabrera and Public Service Director Jim Schmitz

INVOCATION

Village Manager Bornstein led the Invocation.

PLEDGE OF ALLEGIANCE

Village Council led in the Invocation.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

There were no requested changes to the Agenda.

Council Member Brinkman made a motion to approve the Agenda as presented, it was seconded by Mayor Pro Tem Gunther.

CONSENT AGENDA

Mayor Smith offered the public an opportunity to speak on the Consent Agenda; there were no comments.

Mayor Pro Tem Gunther made a motion to Approve the Consent Agenda, it was seconded by Council Member Waller. The motion carried 5-0.

1. Approve a Interlocal Agreement with Palm Beach County for the Transfer of Seven (7) Drainage Easements - Lakewood Gardens Area

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Palm Beach County's Engineering Department is requesting to transfer seven (7) drainage easements located in the Lakewood Gardens area, west of Kirk Road, to the Village for ownership and maintenance responsibility. The predominantly residential area was annexed to the village limits in 2014. The subject drainage easements provide stormwater facilities to protect properties within the Village limits; therefore, the County desires to transfer its public interest in these easements to the Village.

The seven (7) proposed transfers were easements dedicated to Palm Beach County through individually recorded drainage easements in 1966, 1967, and 1981. Enclave interlocal agreements approved by the Village and County in 2014 included the transfer of public rights-of-way and easements dedicated via plat but did not include the transfer of interests dedicated to separate recorded (easement) instruments.

The seven (7) easements that are proposed to be conveyed/transferred to the Village are as follows:

Drainage Easement# 204

Recorded at ORB 1590, Page 204 in 1967

Improvements: 1) Ditch running between Lakewood Road and ditch behind Home Depot, and 2) Ditch along the western and southern perimeter of Duthie Freeman commercial condominium (Note: partial release to Southern Bell in 1974)

Drainage Easement# 205

Recorded at ORB 1590, Page 205 in 1967

Improvements: Catch Basin that serves as an outfall for Home Depot and the Post Office

Drainage Easement# 206

Recorded at ORB 1590, Page 206 in 1967

Improvements: Drainage Pipe in the rear of Home Depot property (cleaned and camera-ed by PBC Engineering in March 2021)

Drainage Easement# 207

Recorded at ORB 1590, Page 207 in 1967

Improvements: Ditch in the rear of Patio Court Townhomes and Lakewood Apartments (aka Lego project)

Drainage Easement# 208

Recorded at ORB 1590, Page 208 in 1966

Improvements: 1) Ditch east of Laurette Lane/April Avenue that outfalls to L-11 Canal, and 2) swale at the western terminus of Luzon Avenue

Drainage Easement# 216

Recorded at ORB 1561, Page 216 in 1967

Improvements: Swale running north-south behind houses on 42nd Avenue South and Kenyon Road

Drainage Easement# 1518

Recorded at ORB 3502, Page 1520 in 1981

Improvements: Swale running east-west between houses on 42nd Avenue South

If approved by the Village Council, the Palm Beach County Board of County Commissioners' consideration of the proposed interlocal agreement is anticipated on March 24, 2022.

The proposed Interlocal Agreement was prepared by Palm Beach County and reviewed by the Assistant Village Manager, Village Attorney, and Public Works Director.

Note: Annexations in the subject area were approved by the Village Council through Ordinance No. 2014-07, Ordinance No. 2014-15, Ordinance No. 2014-25, Ordinance No. 2014-31, and also Resolution No. 2014-22, Resolution No. 2014-38, Resolution No. 2014-54, and Resolution No. 2014-62 (enclave interlocal agreements).

Fiscal Impact:

The Village will be assuming maintenance responsibility for the stormwater facilities within the easements, which include ditches, swales, and underground pipes.

Maintenance costs associated with these areas will be included in the landscape/facility maintenance contracts or Village maintenance schedules and included in annual operational budgets.

2. **Approve Professional Services Agreements - 3rd Amendment - Term Extension – Keshavarz & Associates, Calvin Giordano & Associates, Engenuity Group, Eckler Engineering**

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: On December 16, 2015, the Village issued a Request for Qualifications (RFQ) for Professional Engineering, Architectural, and Surveying Consulting Services (RFQ 2016-002) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

As a result, on March 10, 2016, the Village selected four (4) firms to provide design and construction management services for water, wastewater, infrastructure, facilities, general engineering services, plat, and plan review services, and building design/review services.

- Keshavarz & Associates
- Calvin Giordano & Associates, Inc.
- Engenuity Group, Inc.
- Eckler Engineering, Inc.

On May 12, 2016, the First Amendment to each Professional Services Agreement was approved to clarify the terms and fees for each of the proposed engineering firms. The term of the agreement was clarified to coincide with the term that was outlined in RFQ No. 2016-002 - an initial term of five (5) years from the date of the agreement with the option, upon

approval by both parties, to renew for three (3), one-year periods.

The initial five-year term expired in 2021, and the Second Amendment to the Agreement was approved on March 11, 2021, to provide the first, one (1) year renewal in consideration of the ongoing Task Orders that we have with each firm. Staff proposes a second, one (1) year renewal. If approved, the Professional Services Agreement for three (3) of the four (4) engineering firms would be extended until March 11, 2023, and one (Keshavarz) would be extended until March 24, 2023, with the ability for each to be renewed for one (1) additional one-year term.

The proposed 3rd Amendment was prepared by the Village Attorney and reviewed by the Assistant Village Manager, Planning, Zoning, and Building Director, Interim Public Service Administrator, and the Finance Director.

Fiscal Impact:

The proposed request does not have a fiscal impact on the Village.

End of Consent Agenda

PRESENTATIONS

Mayor Smith noted there were no presentations.

PUBLIC COMMENT

Mayor Smith offered the public an opportunity to speak.

- a) **Richard Hughes, 1840 Richard Lane, Palm Springs** Mr. Hughes stated he had lived in the Village for forty-five (45) years and serves on the P&Z Board. He did not support garages being inspected getting them counted as parking. He did not support a nuisance ordinance where the Village inspects garages. He discussed the acceptance of certain conditions, the Planning & Zoning Board. He commented on the beauty of Foxtail Park. He does not want us to pour concrete all over the village and not have this considered for density.

REGULAR AGENDA

None

PUBLIC HEARINGS**3. Resolution No. 2022-03 - Site Development Plan Amendment (SPR22-02) - 7-Eleven, Inc. - 1730 South Military Trail (*Quasi-Judicial Hearing*)**

Staff: Iramis Cabrera, PZB Director

Paul Mazzillo, agent for the owner, 7-Eleven Inc., requests a Site Development Plan Amendment (SPR22-02) for the Commercial General property located at 1730 South Military Trail. The applicant proposes to reconfigure the landscape buffer along frontage (western and southern) portions of the property due to right-of-way condemnation by the Florida Department of Transportation (FDOT).

FDOT proposes to make intersection improvements to State Road 809 (South Military Trail) and State Road 882 (Forest Hill Boulevard), which necessitates widening both roadways with the approach and departure from the intersection. The widening project resulted in the state taking 2,271 square feet along the entire length of the property's western and southern frontage. The taking will impact the property, causing a loss of the width in the planting area adjacent to the right-of-way.

Note: Currently, the 0.871-acre property is being developed with a 3,650 square-foot commercial building, fifteen (15) parking spaces, and twelve (12) fuel stations, and there are no plans to modify these improvements.

The applicant proposes reducing the width of the landscape buffer as a remedial action for the loss of the property and to minimize the negative impact. The proposed plan will re-accommodate the right-of-way landscaped buffers.

The Planning & Zoning Board approved during their regular meeting on December 14, 2021, one variance requested (PSV22-01) from the Village Code (relief from Sec 34-162(b)(5)), to allow an irregular landscape buffer along the west and south sides adjacent to Military Trail and Forest Hill Boulevard respectively, with a minimum width of 7' rather than 15' minimum required.

The Planning, Zoning & Building Staff does not object to the applicant's request and recommends conditional approval to facilitate the reconfiguration of the landscape buffer as a result of the state condemnation.

Fiscal Impact:

The proposed modification to the project is not expected to have a fiscal impact on the Village.

Mayor Smith asked the Council to disclose their ex parte communication. The Village Clerk, Ms. Wynn swore in the Applicant/ Engineer on the Project, Mr. Paul Mazzilo and staff.

Ms. Cabrera presented a summary of the project into the record. Although Mr. Mazillo was present for questions, he did not have a presentation to add.

Mayor Smith offered the public and Council an opportunity to speak. Council Member Brinkman commented about the consistency of the Florida Department of Transportation (FDOT) and rights-of-ways (R-O-W) with the project. Discussion ensued between Mr. Mazzilo about FDOT taking R-O-Ws and the process. Village Attorney Torcivia read the title of the caption into the record.

Vice-Mayor Ready made a motion to approve Resolution No. 2022-03. Council Member Waller seconded the said motion. The motion carried 5-0.

4. Ordinance No. 2022-01 - Village Code Amendment - Chapter 58 - Purchasing Code (*Second Reading*)

Staff: Kimberly Wynn, Village Clerk

Summary: The Finance Department requests an amendment to the Village Code of Ordinances Chapter 58 - Purchasing Code. The primary changes proposed are to the purchasing thresholds, competitive selection requirements, and the assignation of a Procurement Official:

- **Section 58-4 (b)**
Increase the Department Head's purchasing authority from \$5,000 to \$7,500. Increase the amount requiring three (3) quotes from \$3,000 to \$5,000.
- **Section 58-4 (c)**
Increases the Village Manager's purchasing authority from \$25,000 to \$35,000.
- **Section 58-4 (d)**
Increase the amount that requires a competitive selection from \$25,000 to \$35,000.

The cost of goods and services has increased dramatically. Increasing the thresholds enables Village staff to continue efficient operations.

- **Section 58-5**

Competitive selection purchase requirements have changed to recognize the new \$35,000 threshold.

The language has changed to add the newly created Procurement Official position in place of the CFO.

Ordinance No. 2022-01 was prepared by the Village Clerk and reviewed by the Village Attorney, Assistant Village Manager, and Finance Director. The proposed ordinance was approved on the 1st reading by the Village Council on January 13, 2022. It is presented for the 2nd and final reading.

Fiscal Impact:

The intent of the proposed changes to the Purchasing Code is to recognize the addition of a procurement official and to increase the purchasing thresholds to enable a more efficient and effective purchasing process. The fiscal impact is not measurable in dollars and cents but there will be cost savings in time and efficient use of staff resources.

Village Clerk Wynn read the statement of advertisement into the record. Ordinance No. 2022- 01 was advertised in the LWH on February 3, 2022. Mrs. Morse stated that the staff's presentation was given during First Reading, January 13, 2022. There were no additional changes.

Mayor Smith gave the public, and the Council, an opportunity to comment about Ordinance No. 2022-01. There were no additional comments. Village Attorney Torcivia read the title of the caption into the record.

Vice-Mayor Ready made a motion to approve Ordinance No. 2022-02. Council Member Waller seconded the motion. There was a roll call vote as follows Vice Mayor Ready –Yes; Mayor Pro Tem Gunther—Yes; Council Member Waller—Yes; Council Member Brinkman—Yes; and Mayor Smith—Yes. Said motion carried 5-0.

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

There were no comments from the Village Manager, Mr. Bornstein.

VILLAGE COUNCIL COMMENTS

There were no comments from Village Council.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 6:48 PM.

**NEXT MEETING THURSDAY
MARCH 10, 2022, at 6:30 PM**

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Meeting held on **February 10, 2021**. Which minutes were formally approved and adopted by the Village Council on March 10, 2022.

Kimberly M. Wynn
Village Clerk

If a person decides to appeal any decision made by this Council for any matter considered at this meeting, he will need a record of the proceeding. For this purpose, he may need to ensure that a verbatim record of the proceedings was made, which recording includes the testimony and evidence upon which the appeal is to be based. Persons who need accommodation to attend or participate in this meeting should contact the Village Clerk at (561) 584-8200 (ext. 8431) at least three (3) business days before the meeting to request such assistance.