



**VILLAGE COUNCIL MEETING MINUTES
 COUNCIL CHAMBERS
 226 CYPRESS LANE
 VILLAGE OF PALM SPRINGS, FLORIDA
 JULY 7, 2022 AT 6:30 PM**

CALL TO ORDER

Mayor Smith called the Village Council Regular Meeting to Order at 6:31 p.m.

ROLL CALL

Present: Mayor Beverly Smith, Vice-Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman (arrived at 6:34 p.m.), Council Member Patti Waller, and Council Member Gary Ready

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, Superintendent Public Service Timothy Crespo, Assistant Finance Director, Mariana Ortega, Parks and Recreation Director, Justin Lucas, and Assistant Utilities Director Paul Ward, and Utilities Director Jimmy Johnson

INVOCATION

The Village Manager, Mr. Bornstein, led the Invocation.

PLEDGE OF ALLEGIANCE

The Council led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager Bornstein noted no requested changes to the agenda from staff.

Council Member Waller made a motion to approve the Agenda as presented. Council Member Ready seconded the motion. The said motion carried 4-0.

CONSENT AGENDA

- 1. Approve R.L. Pratt Water Treatment Plant Generator Replacement (Task Order No. 296) - Invitation to Bid (ITB No. 2022B-009) - Utilities Department (FY2022 Budget Funded - Water & Sewer Enterprise Fund) - All Florida Contracting Service**

Staff: Paul Ward, Assistant Director of Utilities

Summary: The Utilities Department must replace the existing emergency generator at the R.L. Pratt Water Treatment Plant. The current emergency generator was installed in 1986 and has outlived its useful life. The cost of preventative and corrective maintenance on the existing generator also contributes to whether to replace it with a new emergency generator. By installing a new emergency generator, the Village can ensure potable drinking water for the community during emergencies and natural disasters such as hurricanes.

The Village Council has authorized Holtz Consulting to serve as the Village's consulting engineer to complete the engineering and design for this project (Task Order #296) for \$44,560.00. The proposed construction project consists of the demolition of the current emergency generator, installation of the new emergency generator with all controls, electrical wiring, and plumbing required, and the restoration of the building that houses the existing generator. In addition, the contractor will provide a temporary emergency generator to keep the water treatment plant protected during construction.

To ensure the lowest possible price for this project, the Village issued an Invitation to Bid (ITB) on April 14, 2022, for R.L Pratt Water Treatment Plant Generator Replacement. This process was completed by the Village through a competitive bid selection process - R.L. Pratt Water Treatment Plant Replacement (ITB No. 2022B-009 - April 14, 2022).

Within the FY 2022 Budget - Water & Sewer Enterprise Fund and the Capital Improvement Plan (CIP), the Village approved \$530,000.00 for the R.L. Pratt Water Treatment Plant Generator Replacement. Four (4) bid proposals were received:

<u>Vendor</u>	<u>Total Bid</u>
Austen Builders	\$270,447.00
All Florida Contracting Service	\$380,200.00
Lawrence Lee Construction Services	\$786,000.00
Boromei Construction Inc.	\$0 Incomplete

After reviewing the four (4) bids received, the Assistant Utilities Director, Utilities Project Manager, the Village Attorney, and the Village's Consulting Engineer, Holtz Consulting, determined that All Florida Contracting Service provided the lowest responsible and responsive bid. Boromei Construction provided no pricing on their bid submittal and the bid was determined to be incomplete. Austen Builders was the lowest received bid. However, they did not include the specified generator manufacturers in their bid and due to this irregularity, their bid was rejected. As a result, the staff is recommending that the Council award this proposed contract (Task Order #296) to All Florida Contracting Service for the

amount of \$380,200.00.

If approved, the Village would accept All Florida Contracting's pricing, including all terms, conditions, and pricing as submitted within their ITB proposal and proposed agreement. 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.

The project will take approximately 240 days (April 2023) to complete following the Notice to Proceed from the Village. Long lead time on the emergency generator due to supply chain shortages may delay the start of the project.

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

The Village has not worked with the proposed vendor previously but did receive positive feedback from the supplied references.

Fiscal Impact:

Funding to support the proposed R.L. Pratt Water Treatment Plant Generator Replacement project is available within the FY 2022 Budget - Water & Sewer Enterprise Fund:

<u>Allocated/Estimated Project Funding:</u>	<u>Amount:</u>
FY 2021 Actual Funding - Water & Sewer Fund Task Order #296	\$ 4,044.00
FY 2022 Approved Funding - Water & Sewer Fund Task Order #296	\$530,000.00
Total Allocated/Approved Budget - Task Order #296:	\$534,044.00
FY 2021 Project Cost - Actual Engineering - Water & Sewer Fund Task Order #296	\$ 4,044.00
FY 2022 Project Cost - Estimated Engineering - Water & Sewer Enterprise Fund Task Order #296	\$ 40,516.00
FY 2022 Project Cost - Estimated Construction Cost - Water & Sewer Fund Task Order #296	\$380,200.00
Total Project Request/Cost Task Order #296:	\$424,760.00

Note: The proposed bid amount (\$380,200.00) was submitted by All Florida Contracting Service and was below the engineer's estimate of \$749,000.00.

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.

2. **Approve Inflow & Infiltration Study - Work Authorization No. KH-U15 Utilities Department (FY 2022 Budget Funded - Water & Sewer Enterprise Fund) - Kimley-Horn and Associates, Inc.**

Staff: Paul Ward, Assistant Director of Utilities

Summary: The Utilities Department has a need to conduct an Inflow and Infiltration study on the existing gravity sewer system. The Village has been experiencing inflow and infiltration (I&I) through the entire gravity sewer system, which leads to additional monthly operating expenditures for transmission costs through the Palm Beach County Water Utilities and Lake Worth Sub-Regional wastewater interconnects. This study will help the Village identify and prioritize gravity sewer areas that have a large amount of I&I, allowing the Village to direct funding for pipe replacement and pipelining to help reduce the volume of groundwater transmitted through the Village's wastewater system.

The Village performed a Wastewater Transmission System Model and Master Plan of its Wastewater Facilities in 2018, whereby it was recommended that the Village make overall system improvements for the benefit of increasing transmission system capacity. By identifying the impact of I&I on the Village's wastewater system, the improvements to the gravity sewer system will address that recommendation, by identifying and minimizing the collection of I&I flow into the system.

As a result, the Village Council is requested to approve Work Authorization KH-U15 to support all required professional engineering services and related tasks associated with an Inflow and Infiltration Study by Kimley-Horn and Associates, Inc., the Village's contracted engineering firm. The proposed tasks and associated costs to provide the professional engineering services to complete this project are as follows:

<u>Work to Be Completed</u>	<u>Amount</u>
Desktop I&I Analysis	\$35,705.00
Flow Metering Monitoring Plan and Report	\$31,720.00
Total	\$67,425.00

The Village Council has approved \$30,000.00 for the Inflow & Infiltration Study with the FY 2022 Budget - Water and Sewer Enterprise Fund. Additional funding for the Inflow and Infiltration study will be requested within the FY 2023 Budget to complete the study. 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.

Staff recommends approval of the proposed Work Authorization KH-U15 with

Kimley-Horn for \$67,425.00 for professional engineering services associated with the Inflow and Infiltration Study. If approved, the Village would accept Kimley Horn's pricing as outlined within the previously approved General Consulting Services Continuing Contract with Kimley-Horn including all terms, conditions, and pricing therein.

Note: The Village issued a Request for Qualifications (RFQ) for Professional Engineering Services (RFQ #2018-002 - Utility Engineering Services Continuing Contracts) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

If approved, it is estimated that the proposed I&I Study work will take approximately one hundred and ninety-five (195) days to complete (February 2023) from the date the work authorization is issued to Kimley-Horn by the Village.

The proposed work authorization was prepared by Kimley-Horn and reviewed by the Assistant Utilities Director, Assistant Village Manager, Village Attorney, and Finance Director.

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

Fiscal Impact:

Funding to support the proposed work authorization (KH-U15) is currently available within the FY 2022 Budget - Water and Sewer Enterprise Fund:

<u>Allocated/Estimated Project Funding:</u>	<u>Amount</u>
FY 2022 Budget - Water and Sewer Enterprise Fund:	\$30,000.00
FY 2023 Budget (proposed budget request) Water and Sewer Enterprise Fund:	\$50,000.00
Total Estimate Project Funding	\$80,000.00
<u>Expected Project Cost Engineering:</u>	<u>Amount</u>
FY 2022 Project Request/Cost - Engineering - Water and Sewer Enterprise Fund:	\$30,000.00
FY 2023 Project/Cost - Engineering - Water and Sewer Enterprise Fund:	\$37,425.00
Total Estimated Project Funding	\$67,425.00

The Village will not expend more than the amount in the approved budget as it may be adopted/approved each year for these goods and services over the term of the

contract.

3. **Resolution No. 2022-24 - Approve Utility Accounts Write-Offs -Utilities Department (FY 2022)**

Staff: Paul Ward, Assistant Director of Utilities

Summary: The Utilities Division in the Public Service Department is responsible for providing the treatment and delivery of the highest quality potable water and the collection and treatment/disposal of wastewater (sewer) services to our residents, businesses, and customers while ensuring full compliance with all local, state, and federal environmental regulatory agencies. Village operations performed through an Enterprise Fund require that all expenditures support the services and products provided support the revenues collected.

The Village's Water & Sewer Enterprise Fund was established as a separate accounting fund and is maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board (GASB). As a proprietary fund, the Water & Sewer Enterprise Fund is self-supporting in that the services rendered by the fund are generally financed through user charges or on a cost-reimbursement basis. As a result, timely and current payment of the Village's utility billings is necessary to ensure the sufficiency of revenues to cover current and future utility expenses, which include operating expenses, renewal and replacement expenses, transfers to the General Fund, and capacity-related expenses.

As in any large-scale business enterprise, it is expected that a portion of utilities' revenues will, unfortunately, become uncollectible. This can be due to several factors, including:

1. Outstanding balances remain on accounts after tenants abandon their properties, and the security deposits are insufficient to cover outstanding balances.
2. Vacant properties that generate a Readiness-to Serve charge and the owners are unable or unwilling to pay.
3. Utility office staff inadvertently overlook outstanding balances from a previous owner(s) prior to establishing an account for a new owner. Supervisory oversight and standard operating policies are in place to limit this.

The staff in the Utilities Customer Service Division work to minimize the aging of delinquent accounts through the following actions and initiatives:

1. Every account is reviewed for outstanding balances when a new customer comes in to establish a new account.
2. Lien search requests are provided to patrons/owners or title companies with updated past due or current balances.
3. Tenants, including occupants, listed on the lease presented during a new service activation are carefully reviewed for any outstanding balances,

which must be satisfied prior to establishing the new service.

4. New owners are required to undergo a lien search prior to establishing a new service, and outstanding balances will be identified (and hopefully paid) in the search results.

When all of the above efforts have failed, Chapter 78 - Utilities - Division 1. Generally, Sec. 78-40 Billing delinquencies of the Village's Code of Ordinances (in addition to other sections of the Code), provide the Village with the authorization to attempt to collect delinquent utility fees. However, if the Village is unable to collect these amounts, and they are more than four (4) years past due because of a statute of limitations preventing certain actions after a period of time, Florida Statute Section 95.11(3)(p).

Thus, the Village's Utility staff is requesting that the Council consider declaring \$63,013.77 as uncollectable for the period from October 1, 2017, through September 30, 2018, as a result of customer non-payment. If approved, this amount will be considered uncollectable; however, the Village will continue to look to collect a portion of this amount due to property sales and/or customers opening new accounts.

The proposed FY 2022 write-off journal was prepared by the Public Service's Customer Relations Supervisor and reviewed by the Finance Department prior to review by the Assistant Utilities Director.

The proposed write-offs, if approved, would provide a more transparent mechanism for the annual discharge of bad debts from uncollectible utility customer accounts receivable balances in accordance with generally accepted accounting principles (GAAP). Once the accounts are written off, the uncollectible amounts will get expensed as bad debt and the Village will remove the associated unrealized amounts from its records. This provides for a more accurate representation of the financial health of the utility enterprise fund.

Due to the amount requested to be written off, and for transparency, utility write-offs are presented before the Council annually for approval before they are posted.

Fiscal Impact:

The Utilities Department is requesting that the Village Council authorized \$63,013.77 in uncollectible fees which originated at least four (4) years ago (during the period from October 1, 2017, through September 30, 2018) as a result of the non-payment of customers' bills.

4. **Resolution No. 2022-25 - Adopt Purchasing Policies and Procedures Manual**
Staff: Rebecca Morse, Chief Financial Officer

Summary: The Village has completed a Purchasing Policy and Procedures Manual to provide practical guidance for Village staff to expedite purchases needed for Village operations while maintaining compliance with the Village Purchasing code and Village procedures. The Village is required to purchase goods and services necessary for the operation and maintenance of the Village government. This Policies and Procedures Manual provides the guidelines and instructions to ensure that: This new manual recognizes the new purchasing thresholds and approval levels and encourages the use of Village Purchasing Cards as a more efficient method of making small (non-capital) purchases.

The manual highlights and expands the various purchasing methods and requirements of our Purchase Code Section 58. Included in the manual are updated forms used to support purchasing and payment by our vendors.

Fiscal Impact:

The Purchasing Manual is intended to guide to Village staff to comply with Village Purchasing Code Section 58. No direct fiscal impact, but overall should improve the efficiency of purchasing for Village operations.

End of Consent Agenda....

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

Vice Mayor Gunther made a motion to approve the Consent Agenda. Council Member Ready seconded the motion. The said motion carried 4-0.

PRESENTATIONS

None

REGULAR AGENDA

- 5. **Approve Voting Delegate - 2022 Florida League of Cities Annual Conference**
Staff: Kimberly Wynn, Village Clerk

Summary: The Florida League of Cities has requested that each municipality designate one official as the voting delegate for the upcoming 96th Annual Conference to be held at the Diplomat Beach Resort in Hollywood, Florida, August 11th-13th, 2022.

Each year during the business meeting session of the Conference, the designated voting delegate will represent the Village on policy development, the election of League leadership, and the adoption of resolutions that may be introduced during the meeting. One official from each municipality will make decisions that determine the direction of the League.

The deadline to submit voting delegate forms must be received by the League no later than July 29, 2022.

Council Member Waller made a motion to nominate Mayor Smith as the Voting Delegate, and Council Member Waller and Council Member Ready as Alternate Voting Delegates. Vice Mayor Gunther seconded the motion. The said motion carried 4-0.

Fiscal Impact:

There is no fiscal impact on the Village.

PUBLIC COMMENT

At this time, Mayor Pro Tem Brinkman arrived (6:34 p.m.) Mayor Smith called for Public Comment. There were none.

PUBLIC HEARINGS

6. Ordinance No. 2022-04 - Amendment to the General Employees' Pension Plan (*Second Reading*)

Staff: Kimberly Glas-Castro, Assistant Village Manager

Summary: The Village General Employees' Pension Plan Board of Trustees requested an actuarial review of the General Employee Pension Plan. Based on their review, several amendments were recommended. Ordinance No. 2022-04 is presented before the Village Council to consider approval of a recommended change that was effective as of January 1, 2020. The Internal Revenue Code was amended to increase the required minimum distribution age from 70½ to 72.

Ordinance No. 2022-04 was advertised in the Lake Worth Herald on Thursday, June 23, 2022. The proposed ordinance is being presented for consideration on the 2nd and final reading.

Fiscal Impact:

Proposed Ordinance No. 2022-04 does not have a fiscal impact on the Village.

The Village Clerk, Ms. Wynn, announced the statement of advertisement for Ordinance No. 2022-04. Assistant Village Manager Glas-Castro advised Council that the Ordinance was for housekeeping to comply with IRS requirements. Mayor Smith offered the public and Council an opportunity to speak on Ordinance No. 2022-04. There were no comments. Village Attorney Torcivia read the title of the caption into the record.

Council Member Waller made a motion to approve Ordinance No. 2022-04. Council Member Ready seconded the said motion. There was a roll call vote as follows: Vice - Mayor Gunther -Yes, Mayor Pro Tem Brinkman - Yes, Council

Member Waller - Yes, Council Member Ready - Yes, and Mayor Smith - Yes. The said motion carried 5-0.

7. **Ordinance No. 2022-05 - Reapportionment of Council Districts (Second Reading)**

Staff: Kimberly Glas-Castro, Assistant Village Manager

Summary: The Village Charter requires that Council district boundaries be evaluated and reapportioned following the availability of data from the 2020 U.S. Census. New district boundaries should 1) be drawn to create districts of a nearly equal population, 2) be arranged in a logical and compact geographic pattern, 3) promote fair representation, and 4) consider service boundaries of public facilities.

The total village population as of April 1, 2020, was 26,890. According to the Village Charter, the four (4) Village Council districts must be evaluated. The redistricting exercise was conducted with the assumption that the 2020 Census Blocks would be maintained as a whole geographic unit within a single Council district (Census Blocks were not split between districts). Consideration of future population growth based on approved residential projects was included. The redistricting exercise also recognized considerations recommended by the U.S. Census Bureaus:

- Population counts based on the total number of persons, including children, noncitizens, and others not eligible to vote
- No more than 10% deviation (in population count) between the smallest and largest district
- Reasonable contiguity and compactness of each district
- Preserve “communities of interest”.

The Village Charter provides that the new Council district boundaries will supersede previous boundaries at the next regular Village election (March 2023). Further, no Councilmember shall lose their position on the Village Council due to redistricting until the expiration of their term.

Ordinance No. 2022-05 was prepared by the Village Attorney and reviewed by the Assistant Village Manager and Village Clerk. It was advertised in the Lake Worth Herald on Thursday, June 23, 2022.

The proposed ordinance is being presented for consideration on the 2nd and final reading.

Fiscal Impact:

The reapportionment of Council districts does not have a direct fiscal impact on the Village.

The Village Clerk, Ms. Wynn, announced the statement of advertisement for Ordinance No. 2022-05. Assistant Village Manager Glas-Castro advised Council that the purpose of the Ordinance is to redistrict based on the 2020 Census. She reviewed the new map with the Council showing their new districts. Mayor Smith offered the public and Council an opportunity to speak on Ordinance No. 2022-05. There were no comments. Village Attorney Torcivia read the title of the caption into the record.

Council Member Ready made a motion to approve Ordinance No. 2022-05. Council Member Waller seconded the said motion. There was a roll call vote as follows: Vice-Mayor Gunther --Yes, Mayor Pro Tem Brinkman - Yes, Council Member Waller - Yes, Council Member Ready - Yes, and Mayor Smith - Yes. The said motion carried 5- 0.

8. Ordinance No. 2022-06 - Village Code Amendment - Chapter 2 - Lien Reductions (Second Reading)

Staff: Kimberly Glas-Castro, Assistant Village Manager

Summary: The Administration Department request an amendment to the Village Code - Chapter 2, Administration, Article III Code Enforcement, Sections 2-237 and 2-238, about the process for lien reductions.

At this time, daily fines assessed by order of the special magistrate may accrue with no cap. Extreme lien balances that far exceed the value of a property may deter compliance because the property owner or contract purchaser cannot afford to satisfy the lien. The village staff wants to facilitate changes to the lien reduction process that might entice property compliance. The proposed ordinance establishes the following:

- Cap liens to 250% of the appraised value of the property
- Allows consideration of documented expenses incurred to bring a property into compliance with fine reductions
- Allows the Village Manager to negotiate a stipulated agreement to bring homesteaded properties into compliance

The proposed ordinance has been modified since the 1st reading to clarify that a homesteaded property owner is eligible for the new procedure if they have already brought the property into compliance and have extraordinary circumstances that permit the Village Manager's consideration instead of the Special Magistrate.

Ordinance No. 2022-06 was prepared by the Village Attorney and reviewed by the Village Manager, Assistant Village Manager, Village Clerk, and Police Department Support Services Supervisor. The Lake Worth Herald advertised Ordinance No. 2022-06 on June 23, 2022.

The proposed ordinance is being presented for consideration on the 2nd and final

reading.

The Village Clerk, Ms. Wynn, announced the statement of advertisement for Ordinance No. 2022-06. Assistant Village Manager Glas-Castro advised Council that the purpose of the Ordinance is to help bring properties into compliance and make them viable. Mayor Smith offered the public and Council an opportunity to speak on Ordinance No. 2022-06. There were no comments. Village Attorney Torcivia read the title of the caption into the record.

Council Member Ready made a motion to approve Ordinance No. 2022-06. Mayor Pro Tem Brinkman seconded the said motion. There was a roll call vote as follows: Vice-Mayor Gunther - Yes, Mayor Pro Tem Brinkman - Yes, Council Member Waller - Yes, Council Member Ready - Yes, and Mayor Smith - Yes. The said motion carried 5- 0.

Fiscal Impact:

The objective of code enforcement is compliance with Village Codes, not a collection of fines. The proposed ordinance may reduce overall liens on record; but result in greater levels of compliance.

ACTIONS AND REPORTS

There were no actions and reports from Village Manager Bornstein.

VILLAGE MANAGER COMMENTS

Village Manager Bornstein introduced the Council to Mr. Jimmy Johnson as the new Director of Public Service. He also introduced Mr. Paul Ward as the new Assistant Public Service Director and thanked him for his hard work over the past couple of months. Village Manager Bornstein addressed the mishap with the Fourth of July fireworks. He explained there was an issue with the vendor that involved a shortage of the product.

VILLAGE COUNCIL COMMENTS

The Council Members welcomed Mr. Johnson to Palm Springs and expressed their thoughts about the Fourth of July event.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 6:51 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 **July 7, 2022**. Which minutes were formally approved and adopted by the Village Council on **July 21, 2022**.

Submitted by:

Kimberly M. Wynn

Kimberly Wynn, Village Clerk

**NEXT REGULAR MEETING:
THURSDAY, JULY 21, 2022, AT 5:30 P.M.
BUDGET WORKSHOP/REGULAR COUNCIL MEETING
(REGULAR COUNCIL MEETING WILL BEGIN IMMEDIATELY FOLLOWING
THE BUDGET WORKSHOP)**