

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, JUNE 9, 2011**

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE**

Mayor Bev Smith called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor Bev Smith, Vice Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, Council Member Sergio Escalada, Village Manager Karl E. Umberger, Acting Village Attorney Jeff Kurtz, and Village Clerk Virginia M. Walton.

Staff present were Captain Robert Perez, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse, Public Service Director Bill Davis and Leisure Services Director Bill Golson.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Council Member Sergio Escalada.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Items #16 and #17 will be continued to the June 23<sup>rd</sup> agenda

A motion to accept the agenda as revised was made by Vice Mayor Gunther and seconded by Council Member Escalada. Motion carried 5 – 0.

**CONSENT AGENDA**

1. Minutes of Local Planning Agency Meeting on May 12, 2011
2. Minutes of Regular Council Meeting on May 12, 2011
3. RESOLUTION NO. 2011-32

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED BID NO. 2011B-002, AND AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE AN AGREEMENT WITH PARADIGM CONSTRUCTION MANAGEMENT, LLC, FOR THE REMODELING OF THE R. L. PRATT WATER TREATMENT PLANT LABORATORY, IN THE AMOUNT OF SIXTY-FIVE THOUSAND SEVEN HUNDRED NINE DOLLARS (\$65,709); AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

4. RESOLUTION NO. 2011-33

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE NATIONAL POLLUTANT

DISCHARGE ELIMINATION SYSTEM (NPDES) THIRD TERM PERMIT INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

- 5. Approval of Village Library Long Range Plan 2012 – 2014  
Staff: Elena Romeo, Library Director

- 6. RESOLUTION NO. 2011-38

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA, URGING ALL PALM BEACH CITIZENS AND THE ELECTED OFFICIALS AND LEADERSHIP OF VARIOUS PALM BEACH COUNTY GOVERNMENTAL BODIES TO DO ALL THINGS WITHIN THEIR POWER TO BRING THE PALM BEACH COUNTY SHERIFF’S OFFICE AND THE PALM BEACH COUNTY SCHOOL DISTRICT UNDER THE OVERSIGHT OF THE OFFICE OF INSPECTOR GENERAL TO FACILITATE PRUDENT AND RESTRAINED BUDGET GOVERNANCE WITH REDUCED FRAUD AND WASTE; SETTING FORTH INSTRUCTIONS FOR DISTRIBUTION OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

A motion to approve the consent agenda as presented was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

End of Consent Agenda.....

**ANNOUNCEMENTS AND PROCLAMATIONS**

- 7. Legislative Update by Representative Jeff Clemens

Mayor Smith introduced Representative Clemens, House District 89. Representative Clemens stated his local offices were on Lake Avenue, Lake Worth, Florida, and his staff was experienced and willing to assist with any issues that might come up. The House this year passed a 69.7 billion budget, some of which was vetoed by the Governor, leaving a 69.1 billion budget. The shortfall of 4 billion noted in the media was actually a projected shortfall needed to continue to fund government; however, the budget was actually only cut by a little over 1 billion. Included in the 67.1 billion budget was a 1.1 billion cut to education in Florida. Also, all FRS participants now would contribute 3% back into the pension funds, and used that to help balance the budget. Also passed for all police, fire, and municipal employees was a limit of 300 hours of overtime to be used in the calculation of their retirement benefits. Also, a Committee was formed to look into all municipal and county pension funds, as well as doing some research and fact finding on disability.

A Growth Management Bill was also passed, that basically did away with state concurrency. Palm Beach County had a relatively decent concurrency plan, but it was recommended that every municipality look into their plans to see if any updating was needed. Statewide, new developers no longer had to pay for all the roads and all the

schools. The responsibility now falls on the taxpayer, unless there are local our county rules that require they do. One portion that Representative Clemens was able to add to this bill was if there were no changes during the Comp Plan or EAR process, only a letter stating there are no changes would be required.

Changes were also made to the severance pay rules for municipalities to only allow twenty (20) weeks of severance pay for contract employees. Changes to the election laws, particularly regarding third party registers. The deadline to submit those names has now been reduced significantly. Also, you will no longer be able to change your address on voting day and vote with a regular ballot. You will now have to use a provisional ballot. Historically, almost 50% of provisional ballots are not accepted, so this is a significant change that voters need to be aware of. Representative Clemens was also able to get a Bill passed that protected the Inspector General's investigations from public records until the investigation is complete.

Manager Umberger added that during the Audit Committee Meetings in Tallahassee, Representative Clemens was on the Committee and voted to do the right thing for the seven cities, even though he has direct ties as a former Lake Worth Mayor. The Council added their thanks. Representative Clemens responded that he was a former Mayor and loved his City very much; however, all this had transpired a long time ago, and he felt at this point that getting the Auditor General involved was probably the best way to get a final resolution. Mayor Smith thanked Representative Clemens for coming and the Village was excited to have him on our team. The Village looked forward to working with him. Representative Clemens added that due to redistricting, the legislative session would begin early, from January 10 to March 9, 2012; which in turn meant that committee meetings would begin in September 2011. Therefore, if there were any issues he needed to know about, please do so as soon as possible because Bills would be filed over the next few months.

## **PUBLIC COMMENT**

Liz Shields, 2111 Prairie Road, asked the Council if the curbing at the water payment drop box could be redone to give a little more room for larger cars. It was necessary to pull up, drop off payment, then back up before driving away. There were many tire marks on the curbing, so Ms. Shields felt she was not the only one having problems. Manager Umberger responded that when the building was constructed, that area had been redesigned and was the most that could be given; however, it would be looked at.

## **PUBLIC HEARINGS**

### **8. ORDINANCE NO. 2010-17 (SECOND READING)**

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 12.5933 ACRES; OWNED BY HORIZON HOMES AT MARLBORO COURTS INC, LOCATED AT 4261 HILLARY CIRCLE; AND MORE FULLY DESCRIBED IN EXHIBIT "A"

ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 5 and August 12, 2010. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Manager Umberger advised the Council that the delay from first to second reading was due to the annexation issues on Military Trail with Palm Beach County. They have been resolved and we are moving forward at this time.

Hearing no further comments, a motion to adopt on second reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. A roll call vote was in favor of adoption 5 – 0.

9. ORDINANCE NO. 2011-06 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ORDINANCE NO. 2010-24, ADOPTED SEPTEMBER 23, 2010 PROVIDING FOR A REVISED AND RESTATED POLICE PENSION PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 26, 2011. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Council Member Escalada and seconded by Vice Mayor Gunther. A roll call vote was in favor of adoption 5 – 0.

10. ORDINANCE NO. 2011-07 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF SIX (6) PARCELS OF LAND, PURSUANT TO SECTION 171.0413 (5)&(6) FLORIDA STATUTES, CONSISTING OF A TOTAL OF APPROXIMATELY 4.11 ACRES, OWNED BY THE PALM BEACH COUNTY BOARD OF COMMISSIONERS; LOCATED AT 2634, 2658, 2684, 2790 KIRK ROAD AND 3980 AND 3981 PARK LANE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY

RESIDENTIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 5 and May 12, 2011. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 54 – 0.

11. ORDINANCE NO. 2011-08 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING FIVE (5) PARCELS OF LAND, PURSUANT TO SECTION 171.0413 (5)&(6), CONSISTING OF A TOTAL OF 6.72 ACRES, INDIVIDUALLY OWNED; LOCATED AT 2640/2650, 2690, 2700 AND 2788 SOUTH MILITARY TRAIL, AND 4476 PARK LANE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO "COMMERCIAL", PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "COMMERCIAL GENERAL" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 5 and May 12, 2011. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Vice Mayor Gunther and seconded by Council Member Escalada. A roll call vote was in favor of adoption 5 – 0.

12. ORDINANCE NO. 2011-10 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE EMPLOYMENT REGULATIONS FOR VILLAGE EMPLOYEES AT DIVISION 7, SECTION 24-231, ENTITLED "GRIEVANCE PROCEDURES"; PROVIDING FOR REPEAL OF ALL

ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 26, 2011. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Gunther. A roll call vote was in favor of adoption 5 – 0.

13. ORDINANCE NO. 2011-11 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING IN PROGRESS FOR PAIN MANAGEMENT CLINICS TO EXTEND MORATORIUM FROM MAY 13, 2011 TO SEPTEMBER 8, 2011 TO ALLOW THE VILLAGE FURTHER TIME TO DEVELOP REGULATIONS IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 5 and May 12, 2011. Acting Village Attorney Kurtz read the ordinance by title. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Council Member Escalada and seconded by Council Member Waller. A roll call vote was in favor of adoption 5 – 0.

14. ORDINANCE NO. 2011-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE OF PALM SPRINGS COMPREHENSIVE PLAN PURSUANT TO SECTION 171.203(9), FLORIDA STATUTES, BY MODIFYING THE INTERGOVERNMENTAL COORDINATION ELEMENT, AS DESCRIBED IN SECTION 163.3177(6)(h)(1), FLORIDA STATUTES, IN ORDER TO INCORPORATE THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ADOPTED BY THE VILLAGE OF PALM SPRINGS AND PALM BEACH COUNTY IN 2008; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that Chapter 171.203(9) of the Florida Statutes required that each local government that is party to an Interlocal Services Boundary Agreement shall amend their Comprehensive Development Plan to reference that Agreement. This amendment is exempt from the twice per year limitation under Section 163.3187. The Land Development Board had recommended approval at their meeting on June 7, 2011. The ordinance would be transmitted to the Florida

Department of Community Affairs after first reading.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Acting Village Attorney Kurtz read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor Gunther and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

15. ORDINANCE. NO. 2011-12 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34 ARTICLE VI, DIVISION 7, SECTION 34-914, ENTITLED "PARKING IN SINGLE-FAMILY; RESIDENTIAL LAND USE DISTRICTS;" TO REGULATE THE USE OF PORTABLE STORAGE CONTAINERS AND ROLL-OFF CONSTRUCTION DUMPSTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the Corporate Counsel for PODS Enterprises Inc. had contacted the Village and requested that this ordinance be revised since the PODS moniker was copyrighted and for exclusive use by PODS Enterprises. The Village's ordinance was being revised to delete the statement referring to PODS, and correct any inadvertent infringement of their trademark. The Land Development Board had recommended approval at their meeting on June 7, 2011.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Acting Village Attorney Kurtz read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 5 – 0.

**This item will be continued to the June 23 agenda**

16. RESOLUTION NO. 2011-19 (SITE PLAN/SPECIAL EXCEPTION CHURCH/CONGRESS AVENUE)

**This item will be continued to the June 23 agenda**

17. RESOLUTION NO. 2011-21 (SITE PLAN/SPECIAL EXCEPTION – SACRED HEART NURSING SCHOOL/SOUTH CONGRESS AVE)

18. RESOLUTION NO. 2011-31 (INTERLOCAL AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING ONE (1) ENCLAVE CONSISTING OF A TOTAL OF THREE (3) PARCELS, OF TEN ACRES OR LESS, AND THE ROAD RIGHT-OF-WAY, THOSE LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT

**“A” TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

Manager Umberger advised the Council this Interlocal Agreement was brought forward pursuant to Chapter 1721.046(a) Florida Statutes, which allowed for annexation of enclaves of ten acres or less between an incorporating municipality and the County of jurisdiction. This procedure was a result of the State’s policy to eliminate enclaves and improve service delivery. This agreement was tentatively scheduled for July 19, 2011 Board of County Commission Meeting. The Land Development Board had recommended approval at their meeting on June 7, 2011.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, Acting Village Attorney Kurtz read the resolution by title. A motion to adopt and forward to the County Commission was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

**19. RESOLUTION NO. 2011-34**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF IMPLEMENTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME) AND EMERGENCY SHELTER GRANT (ESG) PROGRAMS, PURSUANT TO SECTION 125.01 AND SECTION 163 , PART III, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Clement Clarke, Principal Planner for Palm Beach County Community Development, offered a presentation on the need for this Interlocal agreement. The County received federal dollars for these programs, and in order to receive these funds, the County must re-establish their participation in these programs. In turn, the County invites the municipalities to join these programs. There were strict deadlines which must be met, and therefore the urgency of approval of this Interlocal agreement. By approving this agreement, the Village will then be a partner with the County and eligible for any disaster funds given to the County. Over the past five years, the Village has benefited through all the various programs available in the amount of approximately 1.5 million dollars. Mayor Smith thanked Mr. Clark for his presentation. Manager Umberger added that this agreement would be for fiscal years 2012, 2013 and 2014.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Acting Village Attorney Kurtz read the resolution by title. A motion to adopt was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

**20. RESOLUTION NO. 2011-36**

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE AN ANNUAL CONTRACT WITH COMMUNITY ASPHALT CORP., WITH PRICING TO PIGGYBACK THE PALM BEACH COUNTY CONTRACT NO. 2011051, FOR ASPHALT OVERLAY MILLING AND RESURFACING STREET IMPROVEMENTS FOR STREETS WITHIN THE VILLAGE BOUNDARIES AND THE VILLAGE WATER AND SEWER SERVICE AREAS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that this contract would piggyback the existing contract that Community Asphalt Corp. had with Palm Beach County for all the paving and resurfacing projects in the Village until July 27, 2011. This contract would be a significant savings for the Village. Mayor Smith stated this was a public hearing and asked for questions or comments from the public. Hearing none, Acting Village Attorney Kurtz read the resolution by title. A motion to adopt was made by Council Member Waller and seconded by Council Member Escalada. Motion carried 5 – 0.

21. RESOLUTION NO. 2011-37

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE A CONTRACT WITH REHRIG PACIFIC COMPANY, WITH PRICING TO PIGGYBACK THE SOLID WASTE AUTHORITY (SWA) APPROVED BID NO. 09-18JP, FOR THE PURCHASE OF 486 95-GALLON ROLL OUT SANITATION CARTS; AND APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF \$17,000 TO SUPPLEMENT THE PURCHASE OF THE ROLL OUT CARTS; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this resolution would approve the purchase of 486 95-gallon roll out sanitation carts from Rehrig Pacific Company. Although the Village has been purchasing these carts from Rehrig, in order to get the best possible price, the Village would piggyback Bid #09-18JP from Solid Waste Authority. Also attached was a budget amendment in the amount of \$17,000 from Council Contingency to supplement the total cost of a truckload of these roll out carts. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Vice Mayor Gunther questioned where this many carts would be stored. Manger Umberger responded they would stored on the island maintenance area. Hearing no further comments, Acting Village Attorney Kurtz read the resolution by title. A motion to adopt was made by Vice Mayor Gunther and seconded by Council Member Escalada. Motion carried 5 – 0.

**REGULAR AGENDA**

**ACTIONS AND REPORTS**

22. Appointments to the Leisure Services Board  
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that due to recent resignations from this Board, there were two regular and two alternate member positions vacant. Two applications had been received from Suzanne Gonzalez and Rick DiRienzo stating their interest in serving. Hearing no other nominations, a motion to appoint Suzanne Gonzalez and Rick DiRienzo as regular members to the Leisure Services Board to fill unexpired terms until March 27, 2013, was made by Council Member Escalada and seconded by Council Member Waller. Motion carried 5 – 0.

23. Designation of Florida League of Cities Voting Delegate for upcoming Annual Conference Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the Florida League of Cities was requesting the Council designate a voting delegate for the upcoming Annual Conference to be held in Orlando on August 11-13, 2011. Council Member Waller had been the voting delegate for the 2010 Conference. Vice Mayor Gunther nominated Council Member Escalada as the Village's voting delegate and Council Member Waller seconded the nomination. The nomination carried with a 5 – 0 vote in favor.

24. RESOLUTION NO. 2011-40

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING A REQUIREMENT FOR LOBBYIST REGISTRATION; CONTAINING DEFINITIONS, REGISTRATION REQUIREMENTS, ONE-TIME REGISTRATION FEES, DISCLOSURE OF EXPENDITURES AND DISCLOSURE OF THIRD PARTY DONATIONS MADE AT THE REQUEST OF A VILLAGE COUNCIL MEMBER; PROVIDING FOR EXEMPTIONS, PROVIDING FOR PENALTIES; PROVIDING FOR A SUNSET CLAUSE UPON PASSAGE OF A COUNTYWIDE REGISTRATION ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that the County was looking into a countywide lobbyist registration ordinance in the future; however it was unclear when this ordinance would be brought forward. At the request of Mayor Pro Tem Brinkman, staff had researched and created this resolution to establish specific procedures and forms for registration of lobbyists acting within the Village of Palm Springs, until such time as the County adopts their countywide requirements. Should the County not adopt their requirements, the Village could then convert this resolution into an ordinance for codification in the Village Code of Ordinances. It was requested that the Council review and comment on the resolution, and Staff would bring the final resolution back for adoption after incorporating Council's suggestions.

After discussions, the Council offered several suggestions for revisions and/or additions to the resolution and form. It was recommended that a definition of "Principal" be added; it was recommended that the penalty fine be set at \$50.00; it was recommended that language be added to clarify that "if a person believes they will be hired by a principal, then they should go ahead and register, even prior to being officially hired"; and it was suggested that the penalty violations be heard by the Code Magistrate hearings rather than before Council. Staff noted the recommendations and stated a final resolution would be presented on the next agenda.

25. Village Manager Yearly Evaluation and Contract Renewal  
Staff: Karl Umberger, Village Manager

Mayor Smith stated that Manager Umberger had provided each member of the Council with an evaluation form which had been discussed with him. Manager Umberger had offered to forego salary and benefits increases until such time as economic times improve. Mayor Smith asked for questions or comments from the Council. Each Council Member stated their pleasure working with Manager Umberger and highlighted the many innovative ideas that have kept the Village on a fiscally sound surface and moving forward. It was unanimously hoped that Manager Umberger would accept the three year contract offered, and there were regrets that it could not be increased at this time.

Manager Umberger thanked the Council and accepted the contract terms.

## **VILLAGE COUNCIL COMMENTS**

Council Member Escalada stated he had spoken to several parents at the end of the baseball season and had received no negative comments at all. Council Member Escalada asked if there had been any complaints during the Walmart construction. Director Lowe responded that Walmart had been very responsive and quick to action on any resident comments. It was moving along smoothly.

Mayor Pro Tem Brinkman stated she had attended the County Annexation Workshop and some good discussions had taken place, but not much had been accomplished. The County was concerned about pockets being formed by annexation. The issues would be re-visited at public meetings to release the ISBA's.

Vice Mayor Gunther stated he enjoyed the Palm Beach County League of Cities Event for installation of new officers. Also, the final baseball event was great.

Council Member Waller stated she also enjoyed the Palm Beach County Installation Event, as well as the Kids College Ribbon Cutting Open House. The facility was very innovative and a great addition to the Village. Council Member Waller also thanked Manager Umberger for staying on.

Mayor Smith welcomed Council Member Escalada to the Council and thanked

Vice Mayor Gunther for filling in at the last council meeting. Mayor Smith then announced that the next Local Planning Agency Meeting was on June 23<sup>rd</sup> at 7:15pm and the next Council Meeting was on June 23<sup>rd</sup> at 7:30pm.

**ADJOURNMENT**

Hearing no further business, Mayor Smith adjourned the meeting at 8:45 p.m.

Respectfully submitted,

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Village Clerk

Approved by Council \_\_\_\_\_

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Mayor