

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JUNE 23, 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, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Mark Hall, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse and Public Service Director Bill Davis.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: pull item #5 from the agenda until response from DCA.
Continue items #7 and #11 to July 14th agenda
Item #10 – page 6 Section 5 Penalties has language change
Add item #15 Reports: Update on Red Light Camera

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

CONSENT AGENDA

1. Minutes of Local Planning Agency Meeting on June 9, 2011
2. Minutes of Regular Council Meeting on June 9, 2011
3. RESOLUTION NO. 2011-42

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING AN INTERFUND LOAN FROM THE GENERAL FUND TO THE WATER AND SEWER ENTERPRISE FUND; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

A motion to approve the consent agenda as presented was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

4. Mayor's Proclamation for Parks and Recreation Month – July 2011

Mayor Smith read the proclamation recognizing the benefits derived from quality public and private recreation and park resources at the local and state levels, and that all citizens, visitors and wildlife deserve clean air and surroundings free from tobacco related pollution and hazards. Leisure Services Director Golson was absent because of ongoing evening programs on the ballfields. Mayor Smith instructed Village Clerk Walton to present the proclamation to Director Goldson with kudos to he and his staff for the excellent work they do for Palm Springs.

PUBLIC COMMENT

David Kraftchak, 140 Yucatan Drive, presented photos to the Council showing the condition of his street and asked that his and several streets around his be stripped down and re-done. Mr. Kraftchak also commented on an article in the Palm Beach Post that stated FP&L would be interested in purchasing Lake Worth Power. Mr. Kraftchak commented that the Council should stand behind FP&L's effort to purchase Lake Worth's Power; and if not, he requested that the Village consider re-districting to bring one Council Member into the area that has Lake Worth Power because he felt that was the only way this would get done. He recognized that Mayor Pro Tem Brinkman had attended the Lake Worth Electric Committee meetings, but she was not personally impacted. Mr. Kraftchak asked who would be providing power to the new Walmart under construction.

At the request of Mayor Smith, Manager Umberger responded on each issue. Regarding the streets, the Village conducts a road survey, in accordance with DOT standards, every year and schedule work on roads in the most need, approximately 4 – 5 per year. Public Service Director Bill Davis was in the process of doing this survey right now. Regarding re-districting, the Village had in fact just re-districted in December 2010, for election years 2011 – 2014. Changes were made in the boundaries which now had Palm Springs Lake Worth Power customers in both District 4, Mayor Pro Tem Brinkman, and District 3, Council Member Escalada. Regarding FP&L purchase of Lake Worth Power, Manager Umberger reminded Mr. Kraftchak that the findings of the Lake Worth Committee showed that the Village Council did not have the legal authority to force Lake Worth or FP&L to do anything; and the article clearly stated that FP&L could not pursue a purchase until they were asked to do so by Lake Worth. The article was actually about the FP&L purchase of Vero Beach Utilities, and this case was being watched closely. Manager Umberger announced that Commissioner Scott Maxwell had requested, and been granted, a Town Hall Meeting in Council Chambers on July 13, 2011, to discuss this issue. Information on the meeting would be posted on the Village website and in the Village newsletter. The new Walmart would have Lake Worth Power.

PUBLIC HEARINGS

This item was pulled from the agenda until response from DCA

5. ORDINANCE NO. 2011-09 (SECOND 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

6. ORDINANCE. NO. 2011-12 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on June 9, 2011. Village Attorney Torcivia 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 Waller. A roll call vote was in favor of adoption 5 – 0.

This item will be continued to the July 14, 2011 agenda

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

8. RESOLUTION NO. 2011-21

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE SITE PLAN (SPR 11-06) AND A SPECIAL EXCEPTION USE (PSSE 11-05), SUBMITTED BY INTERNATIONAL INSTITUTE OF THE PALM BEACHES, FOR RENOVATIONS TO TWO SUITES FOR OPERATION OF A NURSING SCHOOL, CONSISTING OF CLASSROOMS, ADMISSION OFFICES, A LIBRARY AND A LABORATORY,

IN AN EXISTING COMMERCIAL COMPLEX WITHIN PALM SPRINGS PLAZA, LOCATED AT 3401 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

There were no ex parte communications disclosed. Village Clerk Walton stated that notice of public hearing was placed in the Lake Worth Herald on March 31, 2011. Manager Umberger advised the Council that this site was currently located in Palm Springs Shopping Center. The Applicant would be leasing a suite in the two story building located next to LaReina supermarket. The Applicant was proposing a 50 student technical school for the purpose of training caregivers/nurse's aides. The Land Development Board had recommended approval, with conditions, at their meeting on June 7, 2011. Ms. Herline Lochard, the Applicant, was sworn in to answer questions. Discussion then took place between the Council and Ms. Lochard about students being mandated to park in the rear, rather than in the front and rear as shown on the plan. Ms. Lochard responded that the building was presently empty and parking was not an issue; however, if mandated to reserve parking in the rear, it would be an added expense as the Center charged for reserved parking. After further discussion between Council and Village Attorney, it was suggested that a new condition be added that the Applicant recommend to her students that they park in the rear of the building; however should the building add further tenants and parking becomes an issue, the condition could be amended to mandate rear parking for students. The site plan should be amended to note this change.

Mayor Smith stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt, subject to all conditions presented as well as the new condition added, was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

9. RESOLUTION 2011-39

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 114, FOR THE INSTALLATION OF A GRAVITY SEWER SYSTEM IMPROVEMENT TO A PORTION OF LAKEWOOD ROAD WITH AKA SERVICES, INC., AND ADDITIONAL COSTS IN THE AMOUNT OF \$46,046.44, FOR A TOTAL CONTRACT AMOUNT OF \$174,599.44; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that this addendum will modify the AKA Services contract to include the installation of a gravity sewer system to a portion of Lakewood Road. The unit cost used to develop the lump sum fee is in accordance with the continuing construction contract No. WUD 10-046 with Palm Beach County Water Utilities Department. The construction cost for this project is \$46,046.44. This would

amend the original contract cost amount of \$128,553.00, approved on February 10, 2011, up to a total construction cost of \$174,599.44.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the contract amendment was made by Council Member Waller and seconded by Council Member Escalada. Motion carried 5 – 0.

10. 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; 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 this resolution and form were revised per Council suggestions at their meeting on June 9, 2011. The definition of "Principal" was added; the penalty had been set at \$50.00; language had been added to the definition of "Lobbyist" that should a person believe they will be retained as a lobbyist, they should register. The Council had suggested that penalty violations should go before the Code Enforcement Hearings, rather than the Council; however, it had been determined that this could only be done within an ordinance. Therefore, the penalty Section 5 had been revised to state that the penalty would be a fine of \$50 and the lobbyist (may instead of will) be prohibited from lobbying for up to six months, at the discretion of the Village Manager or his designee. Should the County not adopt their countywide ordinance, the Village could then convert this resolution into an ordinance and expand the penalties to include code enforcement hearings. The effective date of this resolution and registration process would be July 1, 2011.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Upon questions from the Council, it was clarified by Village Attorney Torcivia that this language revision was so that each violation could be based on intent, such as innocent mistake versus malicious purpose. The Council was in unanimous agreement with the revisions. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt with revised language was made by Vice Mayor Gunther and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

This item will be continued to the July 14, 2011 agenda

11. RESOLUTION 2011-41 (SITE PLAN AMENDMENT/WALMART ORGANIC

DUMPSTER)

12. RESOLUTION NO. 2011-43

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURCHASE AND SALE OF BULK WASTEWATER TRANSMISSION, TREATMENT AND DISPOSAL SERVICE/EMERGENCY POTABLE WATER INTERCONNECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that this Interlocal agreement would replace two existing agreements dated March 11, 1986 (County Resolution R86-362), and July 10, 1990 (County Resolution R90-1087D) for wastewater disposal and potable water interconnects. This new agreement would allow for the purchase and sale of additional bulk wastewater transmission, treatment and disposal services through additional points of connection. The full terms and conditions of the agreement were attached to the resolution as Exhibit "A", and had been placed in the Council Office Read File.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and also from the public. Hearing no comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the Interlocal agreement was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

13. RESOLUTION NO. 2011-44

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE TRANSFER OF A PORTION OF EACH PARTIES' UTILITY SYSTEMS; DESIGNATING THE MAYOR TO EXECUTE OTHER NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that this Interlocal agreement was for the exchange of water and sewer service areas between Palm Beach County Utilities and Palm Springs Utilities, to transfer easements and facilities within these areas, as well as purchase of a certain sewer only area on Congress Avenue. Manager Umberger stated Staff had been working on this exchange since 2005 and final negotiations had finally been approved by both parties.

Mayor Smith stated this was a public hearing and asked for questions or

comments from the Council and from the public. Mayor Smith also commented that kudos should go to Manager Umberger, Public Service Director Davis and Attorney Torcivia's Staff for all the hard work put forward to accomplish this agreement. All Council agreed. Hearing no further comments from the public, Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the agreement was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

14. RESOLUTION NO. 2011-45

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A REVISED 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 that the procedure for this agreement to annex one enclave consisting of three parcels was the result of the State's policy to eliminate enclaves and improve service delivery. The Council had previously approved Resolution No. 2011-31 at their meeting on June 9, 2011, which was for annexation of these same parcels, but the with addition of transferring the maintenance of Kirk Road to the Village. Palm Beach County Engineering would not approve that transfer. Therefore, this new resolution and agreement provided for the annexation of parcels and the right-of-way, but the maintenance being retained by Palm Beach County. The Land Development Board had recommended approval at their meeting on June 7, 2011. This agreement was tentatively scheduled to go before the County Commission on July 19, 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, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the new agreement was made by Council Member Escalada and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

ADD:

15. Update on Red Light Camera Program

Manager Umberger stated the Council had requested in February of this year an updated report on the year to year statistics for the red light camera program, along with revenues versus expenses report. Statistical reports were provided to the Council (and are attached to these minutes). Chief Hall stated that based on the first page of statistics, the Village had realized an approximate 50% reduction in the violations that occur, which is a positive. There will be, from time to time, an increase for one reason or another that can't be explained. From the date supplied, there does not seem to show an increase in either crashes or rear end collisions. Page 2 and 3 showed statistics for October 2009 to May 2010 compared to October 2010 to May 2011.

Mayor Pro Tem Brinkman asked when the program began. Chief Hall responded that the cameras went live with photos in January 2010, but only warnings were issued until October 2010. Mayor Pro Tem Brinkman suggested the charts be set up differently to distinguish month to month statistics prior to the activation of the cameras and after the activation, since different months have different traffic volumes. Also to be taken into account that the overall traffic counts had gone down due to economic times. Chief Hall also added that there were many variables when looking at a month to month statistical report, such as whether one month was a wet or dry month, whether there was construction going on during that month, etc. On the fine revenue report, Mayor Pro Tem Brinkman also suggested another color graph be shown for officer issued citations. Chief Hall responded that on the chart, the "green" RLC was revenue from the red light cameras. The "red" LE Education and the "blue" Court Fines were the revenues sent from the County for officer issued citations. These included all citations by officers including seat belt citations, not just red light cameras. Mayor Pro Tem Brinkman wanted to know about just red light camera citations. Chief Hall explained that the revenue sent from the County did not breakdown what each citation was for; and in order to do so would be a very labor intensive undertaking because the legislation enacted had different percentage of monies for different types of citations. Chief Hall stated that basically, the statistics show that from the original 1100+ violations, if 400-500 less people are violating the traffic light laws, then the Village was cutting the risk by 50% of an accident occurring at that intersection. Chief Hall stated it would be very difficult to compare statistics exactly because the variables were not constant.

Mayor Smith agreed that it would be difficult to compare month to month prior to the cameras versus with the cameras, or comparing the officer citations versus the red light camera citations; however, a month to month since January 2010 could give the comparison the Council would need. Mayor Smith reiterated that the program was started because of safety reasons and believed it has been proven that the number of

people going through the red lights has been reduced. Mayor Pro Tem Brinkman was in agreement with that, but still wanted to know if this program had in fact reduced the number of accidents at these intersections, and felt the data was not clear on that. Mayor Pro Tem Brinkman suggested that this be a scheduled agenda item next time so that the Council could have the reports prior to the meeting, which would give time to digest and review the data more.

Manager Umberger stated that it appeared from comments that three specific areas had been touched on. 1) Revenues, which was clear numbers that could be obtained from the Finance Departments yearly Financial Trends report; 2) citations and 3) crashes. Manager Umberger suggested that before this item was brought forward again, an information package, similar to a survey, be prepared so that the Council could specify exactly what each member wanted to see in the report. Manager Umberger reiterated what Mayor Smith had said that this program was about two issues; safety, which is an important issue, and revenues, which if looked at, was basically a tax because that revenue was paying salaries, some of which was for officers to do traffic and other police functions. Council Member Escalada added that he felt what residents really needed to know was whether these cameras were help or hurting; and if there was not enough data to determine that, then the Council and Staff would have to find another way. Mayor Smith stated that the Manager and Staff had their direction and the Council would await the next report.

VILLAGE COUNCIL COMMENTS

Council Member Escalada thanked the Council for nominating him to represent the Village as the voting delegate at the Florida League of Cities Conference. Council Member Escalada suggested that the Council instruct staff to look into using more technology for agendas and council meeting, in order to be more efficient.

Mayor Pro Tem Brinkman agreed with the technology idea and also stated this would allow more information to be placed on the Village's website. Mayor Pro Tem Brinkman stated during her rides through the Village she had noticed a lot of roads where the top coating was off. Tamoshanter and Yucatan must be over ten years since they were done. Mayor Pro Tem Brinkman also responded to the Lake Worth Power issue in commenting that hopefully with a new Mayor coming in this issue would finally be resolved.

Vice Mayor Gunther stated he had attended as liaison the Leisure Services Board Meeting and felt it had been a very productive one with the new members coming on board. Vice Mayor Gunther commented that it appeared the Village had been given the green light to go forward with the July 4th fireworks, which was always a good time.

Council Member Waller had no comments.

Mayor Smith commented that she was also looking forward to the fireworks. Mayor Smith thanked everyone for their thoughts and prayers to her family after her husband's accident. Mayor Smith then announced that the next regular council meeting would be on July 14, 2011 at 7:30 pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor