

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, AUGUST 25, 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, 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 Patti Waller.

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

Village Manager: Item #8 was being pulled from the agenda  
Item #13 will be continued to the Sept. 8<sup>th</sup> agenda  
Item #21 will be moved on the agenda to item #8A.

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

**CONSENT AGENDA**

1. Minutes of Budget Workshop on July 28, 2011  
Staff: Virginia Walton, Village Clerk
2. Minutes of Regular Council Meeting on July 28, 2011  
Staff: Virginia Walton, Village Clerk
3. Approval of Eckler Engineer's Task Order 116 in the amount of \$6,000 for services during construction of gravity sewer system on Kirk Road, Canal 11 Road, 39<sup>th</sup> Avenue South, 39<sup>th</sup> Drive South and Gardenia east of Kirk Road.  
Staff: Bill Davis, Public Service Director
4. Approval of Eckler Engineer's Task Order 117 in the amount of \$5,000 for services during construction for gravity sewer system on Corrigan Court.  
Staff: Bill Davis, Public Service Director

5. Approval of Eckler Engineer's Task Order 118 in the amount of \$5,000 for services during construction for gravity sewer system on Lakewood Road east of Gulfstream and Edwards Avenue.  
Staff: Bill Davis, Public Service Director
6. Approval of Eckler Engineer's Task Order 119 in the amount of \$10,000 for services during construction for gravity sewer system on Coconut Road north of Lakewood Road. Staff: Bill Davis, Public Service Director
7. Approval of Eckler Engineer's Task Order 120 for design services in the lump sum fee of \$45,000 and additional services during construction on an hourly rate plus direct expenses basis not to exceed \$25,000 for the rehabilitation of Strawberry Fields, Marlboro Court and Estates of Lake Clarke Shores pump stations. Staff: Bill Davis, Public Service Director

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.

## **ANNOUNCEMENTS AND PROCLAMATIONS**

### **This item was pulled from the agenda**

8. Legislative Update from Representative Joseph Abruzzo – District 85

### **Moved from item #21**

- 8A. RESOLUTION NO. 2011-61

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR OTHER VILLAGE OFFICIALS, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH PALM BEACH STATE COLLEGE CRIMINAL JUSTICE AND CRIME SCENE TECHNOLOGY TO PROVIDE A MEANS OF MUTUAL PARTNERSHIP FOR THE EXCHANGE OF ON-SITE TRAINING WITH ACCESS TO ACCREDITED FACILITIES/LABS; PROVIDING FOR TERMS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director.

Manager Umberger advised the Council that this MOU Agreement outlined a program whereby Palm Beach State College Crime Scene Technology Program students would have the opportunity to work side by side with Village police personnel. This partnership would also provide for our police department to have access to crime scene technology and laboratory facilities at the College, not typically available.

Professor Paul Freidman, with Palm Beach State College Crime Scene Technology Program, stated that this partnership was a wonderful opportunity for his students to have real life experience working with Palm Springs Police at crime scenes,

including taking in evidence which might have otherwise been sent to PBSO. The integrity of the evidence would be assured by onsite qualified personnel from the College, in the event the cases went to Court. The College had also acquired a crime scene vehicle recently, which would be made available to Palm Springs Police as part of this partnership. A Village employee, Pat Rothenburg, was a recent graduate of this program. Mayor Smith responded that this was an excellent partnership for both the Village and the College and the Village was looking forward to the working relationship. Professor Freidman also stated that the College could submit quarterly reports on the ongoing status of the program.

Mayor Smith stated this was a public hearing and asked for any questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the MOU was made by Vice Mayor Gunther and seconded by Council Member Escalada. Motion carried 5 – 0.

#### 9. Mayor's Proclamation for Sickle Cell Awareness Month – September 2011

Mayor Smith read the proclamation proclaiming September as Sickle Cell Awareness Month and urged everyone to obtain education about this serious disease and awareness of the services that the Sickle Cell Foundation of Palm Beach County and Treasure Coast provide for screening, counseling, family support and education.

### **PUBLIC COMMENT**

Carmine DiGrande, 725 Lori Drive, stated that he was the President of the Lakeside Village Homeowners Association. Mr. DiGrande stated that he believed the Village was one of the best run cities in Florida; however, he felt that Land Development Director Lowe treated their community different than others in the Village. Lakeside had been trying to work with Director Lowe for several years regarding the issue of satellite dishes installed on the roof of several buildings. Mr. DiGrande stated that he had been told by Director Lowe that she didn't have time to walk all the roofs and provide instructions on how to install. Director Lowe had recommended that Lakeside hire an engineer to design and certify the installations in order to be in compliance with Village Code, and submit a site plan amendment for Council approval. Lakeside Village had now been issued a citation, with threats of fines and costs becoming liens on the property. Originally, individual homeowners were sent citations, but they were sent to the wrong people. Mr. DiGrande stated he had received one, as well as his deceased sister; both of whom had never had a satellite dish. Due to the threat of financial liens, the satellite dishes had been removed. Mr. DiGrande showed photos of other communities in the Village that had satellite dishes in common areas and on the roofs, and felt Lakeside was being treated unfairly. Mr. DiGrande asked for assistance from the Council in getting a set of instructions from Land Development on how the dishes could be installed to meet code compliance.

André Correa, 725 Lori Drive, stated he moved to Lakeside in 2000. When he first came, he saw satellite dishes in other communities and wanted to know why the code rules were only applied to Lakeside Village. The laws should be enforced equally. The resident owners who had contracted for the satellite services were mostly not born in America, but they should be given the freedom to watch whatever channels they wanted to watch. If all the other communities have had satellite dishes for longer than Lakeside, why was Lakeside the first to be given citations. Lakeside was told that the Homeowners Association was ultimately responsible and given three suggestions to solve; but who was going to pay for the re-installing of all the dishes taken down because of the Village. Since their dishes were over ten years old, they should be eligible for a grandfather clause.

Caridad Giralt, 711 Lori Drive, (through an interpreter) stated she was coming here tonight to ask a favor. Ms. Giralt stated she was ill and was not able to watch any of her shows since the satellite was taken down, and she just wanted to be able to watch her shows.

Mayor Smith asked Director Lowe to respond. Director Lowe stated she had started working with Lakeside Village about this problem in 2005, when it was noted that the satellite dishes were improperly installed and could cause serious problems during hurricanes. At that time, the Village tried to site the individual owners, but it was difficult to know who owned what on the roof. Director Lowe stated that Lakeside was not being targeted, because other communities were also facing the same dilemma, such as Sable Pointe for one. Director Lowe had met with Lakeside Village HOA and had suggested they hire an Engineer to satisfy the building code; however, the Engineer they hired had come to her office and agreed there was no way to engineer the roof installation to meet code. Director Lowe had contacted the FCC and was told that OTAR in HUD projects did not protect satellite dishes. The rules could be changed to allow dishes in common areas, but that would be a decision of the HOA and would require the site plan amendment already mentioned. The three suggestions Director Lowe had presented to Lakeside were 1) provide certified engineering that would meet code; 2) choose to allow satellite dishes in common areas, which would require a letter from Lakeside HOA, or 3) since the dishes were not in the original plans, they would again need Council approval for an amendment to allow some green space, possibly at the clubhouse or the sides of the buildings, for a central satellite dish, or go with a cable company that provided the right channels. The Village was not in the business of providing means and methods and this was ultimately a Lakeside HOA decision. This was not a simple problem to be easily resolved.

Mr. DeGrande responded that he felt the OTAR rules were incorrectly being stated. He presented photos showing other satellite "farms" in the Village, and also provided a diagram that had been handed out when the satellite dishes were originally installed and felt there should be some way to make them meet code. Director Lowe responded any plan must be certified and submitted by an engineer, which would then be reviewed by the Village Land Development Department and approved if the plan met

code. Manager Umberger also added that there was the possibility of the dishes being attached to the owners balconies, although some on the east may not get service. There was a new attachment now that could help those on the east. The Village had done what they could, but it was up to the HOA to resolve this with the unit owners.

Luis Reyes, 4092 Park Lane, stated he was asking mercy from the Council for his Mother and her outstanding water bills. Mr. Reyes and his children lived with his Mother. The only income was his Mother's Social Security checks since he was not working and the assistance from churches and other agencies was no longer available. The Social Security checks did not always come in at the same time as the bills, which made paying on time difficult. Their water had been shut off and his Mother had borrowed from neighbors to get it back on, but she could not get enough to include the bill and all the late fees. Manager Umberger asked for a phone number that the Utilities Director could contact him tomorrow after looking into the matter.

Elizabeth Shields, 2111 Prairie Road, first commented that since the new bar called Taboo opened, she does not have the noise problems like the last one and was happy about that. Ms. Shields stated she read the in paper about the arrests for underage drinking and was wondering if the bars got fined for this type of offence and if the Village would get those fines. Manager Umberger responded that the Village would handle the arrests and prosecution and then turn their paperwork over to the State Alcohol Beverage and Tobacco Division and they would handle any fines or possibly revocation of licenses. Ms. Shields also stated that this being the first week of school, she had problems because the entrance to G-Star School in Prairie Road had signs not to drop off students there, but parents were doing just that. Also cars for the Atlantis Academy were blocking the street on both sides. Could there be designated school zones established. Chief Hall responded that the State had criteria mandates for establishing school zones and he would have to check on this situation before responding further.

Genaro Diaz, 555 Purdy Lane, Village Green, (through an interpreter) was here to complain about his water bill. His last bill was much higher than other people in his complex. He was only one person and his bill had gone up to \$33, when his neighbors paid only \$13. Mayor Smith asked if he had tried going to the Water Department for an explanation. Mr. Diaz responded that he was told he could address the problem here. Mr. Diaz was asked for his phone number so that Director Davis could get back to him after looking at the account. Manager Umberger also added that some people in condos did not understand that the lower bills of \$13 was only for mostly snowbirds who were not there and only paid a readiness to serve charge. Council Member Escalada suggested that either the water bills be revised or an information sheet be provided, in English and Spanish, which would explain each of the charges on the bill.

Hilario Rodriguez, 555 Purdy Lane, Village Green, (through an interpreter) stated he was also here for the same reason.

John Shields, 3335 Gulfstream Road, stated he had been at a previous meeting where it was decided that the bridge over the canal in their area would be removed. Mr. Shields wanted to know when this would happen. Chief Hall responded that an agreement had been reached with Palm Beach County that they wanted the bridge and would remove it; however, repeated calls have not resulted in the work being done yet. Chief Hall asked Vice Mayor Gunther if he could assist in this matter. Vice Mayor Gunther responded that he would be happy to reach out to the Road & Bridge Division, but he was aware that the department was struggling with lower personnel and reduced operating revenues, which could be the reason.

Cius Joseph, 3842 43<sup>rd</sup> Drive, stated his water had been cut off in his duplex because his tenant next door left an outstanding bill and it had cost him over \$75 in additional charges to reconnect. Mr. Joseph didn't feel that he as the landlord should be responsible for his tenant's bills, or for the readiness to serve charge or the surcharges. Director Davis responded that he had spoken to Mr. Joseph before. The tenants water bill account was still in Mr. Joseph's name; therefore he would be responsible. It was Mr. Joseph's responsibility to assure that his tenants come in and open up an account in their name.

Carlos Fernandez 3557 Gulfstream Road, stated he had read that the annexations for Lake Worth Road to Canal Road would be on tonight's agenda and he was in that area and was in favor of the annexation. Manager Umberger responded that because of so many foreclosures in this area, only those contiguous properties that were voluntary annexations would be on tonight's agenda. The involuntary annexations, annexed through an Interlocal agreement with Palm Beach County, would be on the September 8, 2011 agenda. Mr. Fernandez would then be contiguous and annexed.

## **PUBLIC HEARINGS**

### **10. ORDINANCE NO. 2011-15 (FIRST READING)**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 38 "LEISURE SERVICES", ARTICLE II, SECTION 38-43, ENTITLED "HUNTING AND FIREARMS"; TO COMPLY WITH CHAPTER 790.33 FLORIDA STATUTES AND NEWLY ADOPTED HOUSE BILL 45, TO BE EFFECTIVE OCTOBER 1, 2011; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that it was necessary to amend the Village Code at Section 38-43 in order to comply with new State Legislation CS/CS/CS/HB 45. This new legislation established penalties for local government,

elected officials, public employees that enforce local firearm regulations that violate the State's pre-emption of regulation established in 1987. The legislation was further explained in an article from the Legal Counsel for the Florida League of Cities, which had been attached to the ordinance. The Land Development Board had recommended approval at their meeting on August 9, 2011. Second reading and adoption would be at the Council Meeting on September 8, 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 ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 5 – 0.

11. ORDINANCE NO. 2011-16 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF TWENTY-FIVE (25) PARCELS OF LAND, PURSUANT TO SECTION 171.0413 (5)&(6) FLORIDA STATUTES, CONSISTING OF A TOTAL OF APPROXIMATELY 18.18 ACRES, INDIVIDUALLY OWNED; LOCATED AT; 3529, 3557, 3577, 3591, 3649, 3661, 3735, 3715, 3697, 3679, 3734, 3670, 3620, 3604, 3582, 3642, 3690 AND A VACANT LOT ON GULFSTREAM ROAD, 3681 LAKEWOOD ROAD, 3690 AND 3680 CANAL ROAD, AND 3549, 3532, 3613 AND 3673 COCONUT ROAD; 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

Manager Umberger advised the Council these individually owned parcels were all located south of Canal Road, north of Lakewood Road, west of Davis Road and east of Corrigan Court. A complete list of the owners had been provided as part of Exhibit "A" to the ordinance. The properties total 18.18 acres are were compact and contiguous to the Village. The area was a mix of single family and multi-family units. The Land Development Board had recommended approval at their meeting on August 9, 2011. Second reading and adoption would be at the Council Meeting on September 8, 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 ordinance by title. A motion to adopt on first reading was

made by Council Member Escalada and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

12. ORDINANCE NO. 2011-17 (FIRST 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 SEPTEMBER 8, 2011 TO DECEMBER 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

Manager Umberger advised the Council that the Village had originally approved a Zoning in Progress and Moratorium for pain management clinics in February 2010, until such time as revised regulations could be completed to amend the Village Code. Staff was requesting a final extension until December 2011 in order to complete this revision to the Code. In the meantime, Palm Beach County Sheriff's office had been very active in pursuing these clinics in Palm Beach County, including three in Palm Springs to date. The new regulations should make it more difficult for new pain clinics to set up business in the Village. The Land Development Board recommended approval at their meeting on August 9, 2011. Second reading and adoption would be at the Council Meeting on September 8, 2011.

Mayor Smith asked for questions or comments from the Council and then from the public. Vice Mayor Gunther stated there were big changes coming and it was good to see this happening. Hearing no further comments, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

**This item was continued to the September 8, 2011 Agenda**

13. RESOLUTION NO. 2011-19 (SPR11-04/PSSE11-03 MUSA REALTY/CHURCH – 3801 CONGRESS AVE)

14. RESOLUTION NO. 2011-53

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE TOTAL AMOUNT OF \$433,307.22, FOR CONSTRUCTION OF THE GRAVITY SEWER SYSTEM IMPROVEMENTS FOR KIRK ROAD, CANAL 11 ROAD, 39<sup>TH</sup> AVENUE SOUTH, 39<sup>TH</sup> DRIVE SOUTH AND GARDENIA AVENUE EAST OF KIRK ROAD; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that AKA Services, Inc. had provided

pricing for these improvements, with unit costs used in accordance with the continuing construction contract number WUD 10-046 with Palm Beach County Water Utilities Department, which the Village would be piggybacking. The estimated cost of this project would be \$433,307.22; however the dollar amount may vary slightly during construction based upon the actual number of units installed. This contract was based on Task Order 116, and funds for this project had been budgeted in Account No. 41339-56316.

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

15. RESOLUTION NO. 2011-54

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE TOTAL AMOUNT OF \$394,155.19, FOR CONSTRUCTION OF THE GRAVITY SEWER SYSTEM IMPROVEMENTS FOR CORRIGAN COURT; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that AKA Services, Inc. had provided pricing for these improvements, with unit costs used in accordance with the continuing construction contract number WUD 10-046 with Palm Beach County Water Utilities Department, which the Village would be piggybacking. The estimated cost of this project would be \$394,155.19; however the dollar amount may vary slightly during construction based upon the actual number of units installed. This contract was based on Task Order 117, and funds for this project had been budgeted in Account No. 41339-56317.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Vice Mayor Gunther and seconded by Council Member Waller. Motion carried 5 – 0.

16. RESOLUTION NO. 2011-55

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE TOTAL AMOUNT OF \$276,718.82, FOR CONSTRUCTION OF THE GRAVITY SEWER SYSTEM IMPROVEMENTS FOR LAKEWOOD ROAD, EAST OF GULFSTREAM ROAD, AND EDWARDS AVENUE; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that AKA Services, Inc. had provided pricing for these improvements, with unit costs used in accordance with the continuing construction contract number WUD 10-046 with Palm Beach County Water Utilities Department, which the Village would be piggybacking. The estimated cost of this project would be \$276,718.82; however the dollar amount may vary slightly during construction based upon the actual number of units installed. This contract was based on Task Order 118, and funds for this project had been budgeted in Account No. 41339-56318.

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

17. RESOLUTION NO. 5011-56

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE TOTAL AMOUNT OF \$109,394.16, FOR CONSTRUCTION OF THE GRAVITY SEWER SYSTEM IMPROVEMENTS FOR COCONUT ROAD, NORTH OF LAKEWOOD ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that AKA Services, Inc. had provided pricing for these improvements, with unit costs used in accordance with the continuing construction contract number WUD 10-046 with Palm Beach County Water Utilities Department, which the Village would be piggybacking. The estimated cost of this project would be \$109,394.16; however the dollar amount may vary slightly during construction based upon the actual number of units installed. This contract was based on Task Order 119, and funds for this project had been budgeted in Account No. 41339-56319.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

18. RESOLUTION NO. 2011-58

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR OTHER VILLAGE OFFICIALS, TO PURCHASE OF REAL PROPERTY LOCATED AT 1701 SOUTH CONGRESS AVENUE; AND BEING MORE FULLY DESCRIBED IN

EXHIBIT "A" ATTACHED HERETO; FROM EDWARD J. SCHAEERER; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the purpose of this purchase of vacant land was for additional neighborhood park space in the Village. The appraised value was \$100,000, and the proposed purchase price would be \$100,000 plus all closing costs. The Village Council had approved Staff to move forward with negotiations at their meeting on July 14, 2011, and the offer that was presented to the seller has now been accepted. Council approval of the contract was now needed so that Staff could move forward to set a closing.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Council Member Waller commented that this land would be a great compliment to the park on the opposite side of the street. Mayor Smith commented that this was very exciting to finally acquire this long anticipated parcel and was sure that Staff would do an excellent job of landscaping and creating the park. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and move forward with the purchase was made Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 5 – 0.

19. RESOLUTION NO. 2011-59

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) WITH CONDITIONS THE SITE PLAN (SPR 11-07) AND A SPECIAL EXCEPTION USE (PSSE 11-06), SUBMITTED BY JEWICH VALDEZ, FOR RENOVATIONS TO AN EXISTING COMMERCIAL UNIT TO ESTABLISH A GAME ROOM ADJACENT TO THE EXISTING BARBER SHOP BUSINESS, LOCATED AT 3984 10<sup>TH</sup> AVENUE NORTH; AND ESTABLISHING AN EFFECTIVE DATE.  
Staff: Bette Lowe, Land Development Director

There was no ex parte communications disclosed. The Applicant was not present to give testimony. Manager Umberger advised the Council that the Applicant had an existing barber shop in the shopping plaza. The Applicant had opened up a wall into the adjacent space without obtaining permits and began operating a Locqui's Style game room. The Village issued a Notice of Violation/Notice of Hearing to appear before the Special Magistrate. The Applicant was now applying for a Special Exception Use/Site Plan approval as a result of that violation. A Staff Report had been provided showing the plaza was annexed as non-conforming and one component of that non-conformity was deficient parking. The illegally operated game room had generated many complaints from adjacent business owners of loitering and illegal parking. Palm Beach County had directed the shopping center owner to put in a fire lane and signage because Fire Rescue had been unable to access the site in an emergency, and it was noted that patrons of the barber shop/game room were using the fire lane for parking.

There was also a report attached from the Police Department stating possible illegal activities on this site. The Land Development Board had recommended denial at their meeting on August 9, 2011.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Council Member Waller stated based on all the staff report information and complaints from adjacent property owners, she would not be in favor of approval. Mayor Pro Tem Brinkman stated she had passed this property around 6-7 pm while on her nightly bike ride and observed a lot of people loitering around and the car congestion was blocking the fire lane; therefore, she would deny this application. Council Member Escalada also stated he would not be in favor of this request based on all the same issues raised concerning the safety and welfare of our residents. Vice Mayor Gunther stated that he had planned to ask several questions of the Applicant; however, since the Applicant had shown such a lack of interest in not even showing up tonight, he would deny this request.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and deny the Applicant's request was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 5 – 0.

20. RESOLUTION NO. 2011-60

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND OR HER DESIGNEE, TO EXECUTE A SERVICE LEVEL CONTRACT WITH IYETEK, LLC TO PROVIDE AN ELECTRONIC POLICE DEPARTMENT CRASH REPORTING SYSTEM; PROVIDING FOR TERMS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Chief Mark Hall, Police Department

Manager Umberger advised the Council that currently the police department has no electronic system in place to provide traffic crash data and/or statistics. This system's software would be provided at no cost to the Village in exchange for iyeTek's ability to provide copies of traffic crash reports to insurance companies, law firms and the general public for a standardized fee.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Mayor Pro Tem Brinkman asked if there would be any maintenance costs for the system after the second year of the term; and Manager Umberger responded that there should not be, but the Village does have a clause for cancellation if that should occur. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the agreement was made by Vice Mayor Gunther and seconded by Council Member Waller. Motion carried 5 – 0.

**This item was moved to item 8A on agenda**

21. RESOLUTION NO. 2011-61

22. RESOLUTION NO. 2011-62

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL NON-AD VALOREM ASSESSMENT ROLL FOR FISCAL YEAR 2011/2012 SO AS TO PROVIDE A UNIFORM METHOD FOR COLLECTING A NON-AD VALOREM ASSESSMENT FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES AND RELATED SERVICES ON THE PALM BEACH COUNTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that these rates were divided into categories for single family homes at \$144, multi-family homes at \$90 and mobile homes at \$90, which are the code categories provided by the Palm Beach County property Appraisers Office to Solid Waste Authority, who was providing the billing services to the Village. The rates were calculated to coincide with the rates established with Republic Services of Palm Beach and were the same rates as last year. The assessment roll had been reviewed and verified for accuracy with Solid Waste Authority and the Property Appraisers Office.

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

23. RESOLUTION NO. 2011-63

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR OTHER VILLAGE OFFICIALS, TO NEGOTIATE THE PURCHASE OF THE REAL PROPERTY LOCATED AT 3702 DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; FROM LOUISE BLANKENHORN; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the purpose of this purchase of vacant land was again for additional neighborhood park space in the Village. The appraised value was \$50,000, and the proposed contract being presented to the Seller was for a purchase price of \$35,000 plus all closing costs. In order to take advantage of this opportunity, Staff was requesting that Council approve the negotiation and signing of a purchase contract, as well as proceeding to closing on the property.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Council Member Escalada asked if this was the property with water in the back. Manager Umberger responded it was. Council Member Waller commented that it was a good thing to have more park space in this section of the Village. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and direct staff to proceed with negotiations and closing was made by Council Member Escalada and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

24. Appointment to the Leisure Services Board  
Staff: Virginia Walton, Village Clerk

Mayor Smith stated there was an opening on the Leisure Services Board and one application from Marty Williams had been received indicating his willingness to serve. Mayor Smith asked for comments. Vice Mayor Gunther stated he had the opportunity to meet Mr. Williams at the last Leisure Services Board Meeting and he was very excited to be joining the Board. Hearing no further nominations or comments, a motion to appoint Marty Williams as an alternate member of the Leisure Services Board, for a one year term to expire on March 27, 2012, was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

25. Update on Red Light Camera Program  
Staff: Chief Mark Hall, Police Department

Manager Umberger advised that at the request of Council, the attached charts and comparison reports from Finance and the Police Department were compiled for review. Chief Hall and Director Morse were available for any questions.

Mayor Pro Tem Brinkman commented that the format of these charts and reports were much easier to understand than last time. It appears from this data that there does not seem to be either a decrease or increase in crashes at these intersections. Mayor Pro Tem Brinkman stated the new page tonight was showing that overhead was exceeding revenue. It appeared collections were only at around 54%, and what could be done to increase collections. Chief Hall responded that collections on unpaid citations would sometimes have to wait until the driver renewed their license; therefore, the overhead may remain on the books for several years.

Mayor Smith commented that it had been said many times before that this was about safety, not revenue. Mayor Smith travelled through the intersection of Forest Hill and Congress several times a day and she can personally attest that she sees less

infractions from other drivers, which means this program is working. Mayor Smith asked about collections and reconciliations with ATS, which had come up at the last meeting. Director Morse responded that it was an ongoing process and it was getting better, but it was taking a good deal of staff time. Hopefully this would improve.

It was consensus of the Council that the contract be continued for 12 months and that another update should be presented in approximately 6 months.

## **VILLAGE COUNCIL COMMENTS**

Council Member Escalada stated it had been his pleasure to serve as Voting Delegate for the recent Florida League of Cities Conference. There were nine resolutions to be voted on, and it had been a very interesting experience for him. After listening to other cities discuss their issues, he came back very proud of what the Village of Palm Springs has accomplished. Movie night was hot, but turned out very well. Possibly the turn out will be even larger when the weather is cooler.

Mayor Smith added that she had stolen that idea from another city, but it had turned out very well and it will be nicer when it gets dark earlier, so that the younger children are not out so late.

Vice Mayor Gunther commented that he had received his TRIM tax notice in the mail and the Village had done an excellent job of holding down taxes. Vice Mayor Gunther commented on the number of water bill issues tonight and wondered why staff was not handling these at the water department office level. Manager Umberger responded that the Water Department now had over 18,000 customers and sometimes this issue gets personal to them. This was an unusual amount tonight, but the Village does have an open forum policy and residents can be heard if they wish to speak.

Council Member Escalada commented that the Spanish Community and the older community members might be finding it hard to understand the bill and it was unfair to staff to have their frustration taken out there. Again Council Member Escalada suggested that maybe a sheet could be posted or handed out with the bill giving billing procedures and explanations of charges. Manager Umberger responded that the Utilities Department was actually on the verge of changing to a new billing system since the US Post Office had become very costly for monthly billings. The new bill would be a full size of 8 ½ x 11 and each charge would have an explanation.

Council Member Waller agreed that the Florida League of Cities was well represented this year by cities; and also commented that Mr. Radcliffe's new position would bring a good representation from Palm Beach County.

**ADJOURNMENT**

Hearing no further business, Mayor Smith adjourned the meeting at 9:15 p.m.

Respectfully submitted,

\_\_\_\_\_  
Village Clerk

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

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Mayor