



**AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COMMUNITY ROOM
226 CYPRESS LANE
JANUARY 22, 2009
7:30 P.M.**

COUNCIL

- Mayor John M. "Mike" Davis
- Vice Mayor Joni Brinkman
- Mayor Pro Tem Patti Waller
- Council Member Chet Osborne
- Council Member Bev Smith

ADMINISTRATION

- Village Manager Karl E. Umberger
- Village Attorney Glen J. Torcivia
- Village Clerk Virginia M. Walton

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion	Second	Vote
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CONSENT AGENDA

1. Minutes of Regular Council Meeting on January 8, 2008

2. RESOLUTION NO. 2009-07

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A PIGGYBACK CONTRACT TO MUSCO SPORTS LIGHTING, IN THE AMOUNT OF \$102,004, FOR THE PURCHASE AND INSTALLATION OF SPORTSCLUSTER GREEN® LIGHT FIXTURES AND CONTROL BOX ON THE VILLAGE'S BALLFIELD COMPLEX; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

3. RESOLUTION NO. 2009-08

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A PIGGYBACK CONTRACT TO MUSCO SPORTS LIGHTING, IN THE AMOUNT OF \$102,004, FOR THE PURCHASE AND INSTALLATION OF SPORTSCLUSTER GREEN® LIGHT FIXTURES AND CONTROL BOX ON THE VILLAGE'S BALLFIELD COMPLEX; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

4. RESOLUTION NO. 2009-09

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH MACHA PROPERTIES II LLC; OWNERS OF A 0.4523 ACRE

PARCEL OF LAND LOCATED AT 3800 SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXTION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

5. RESOLUTION NO. 2009-12

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REQUESTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE LAKEWOOD AREA SANITARY SEWER PROJECT WITHIN THE VILLAGE, FOR A MAXIMUM AMOUNT OF \$300,000; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS – None Scheduled

PUBLIC COMMENT - (Five minute limit)

PUBLIC HEARINGS

This item will be continued to the February 12, 2009 agenda

6. RESOLUTION NO. 2008-80 (SITE PLAN – TONSET/CONGRESS & LARK RD)

This item will be continued to the February 12, 2009 agenda

7. RESOLUTION NO. 2008-87 (OXYGEN SITE PLAN)

This item will be continued to the February 12, 2009 agenda

8. RESOLUTION NO. 2008-93 (7TH DAY ADVENTIST CHURCH)

9. RESOLUTION NO. 2009-01 (SITE PLAN TIME EXTENSION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING AN AMENDMENT TO CONDITION NO. ONE FOR SITE PLAN (SPR 08-02) SUBMITTED BY 3400 CONGRESS LLC FOR AN EXTENSION OF THE PERMIT DATE TO FEBRUARY 28, 2011 AND EXTENSION OF THE BUILD OUT DATE TO FEBRUARY 28, 2012, FOR CONSTRUCTION OF A 21,000 SQUARE FOOT ONE-STORE RETAIL BUILDING, ON 2.2 ACRES LOCATED AT 3400 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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10. RESOLUTION NO. 2009-03 (MURAL PERMIT-QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING – APPROVING WITH CONDITIONS – DENYING) THE APPLICATION OF C&D PRODUCE FOR A PERMIT FOR INSTALLATION OF MURALS ON THE PERIMETER WALLS ON THE BUILDING LOCATED AT 3133 LAKE WORTH ROAD, PURSUANT TO SECTION 34-295 VILLAGE CODE OF ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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11. RESOLUTION NO. 2009-05 (SPECIAL EXCEPTION-QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING – APPROVING WITH CONDITIONS – DENYING) THE APPLICATION OF C&D PRODUCE MARKET FOR A SPECIAL EXCEPTION USE (PSSE 09-02) FOR THE TAKE-OUT SALE OF BEER AND WINE IN A COMMERCIAL ZONING DISTRICT, FOR THE BUSINESS LOCATED AT 3133 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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12. RESOLUTION NO. 2009-10 (SITE PLAN/SPECIAL EXCEPTION – BURSICO/LAKE WORTH ROAD)

13. ORDINANCE NO. 2009-01 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, BY RENUMBERING ARTICLE II “STOPPING, STANDING AND PARKING” TO ARTICLE III; BY CREATING A NEW ARTICLE II “RED LIGHT ENFORCEMENT PROGRAM”; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS, AND FOR RELATED PROCEDURES AND PROVISIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Staff: Jay Pickens, Public Safety Director

Motion	Second	Roll Call Vote
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14. ORDINANCE NO. 2009-02 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 8.56 ACRES OWNED BY STUDENTS IN THE ARTS TV/G-STAR TV, INC; LOCATED AT 2030 SOUTH CONGRESS AVENUE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVELAND 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, WITH A SPECIAL EXCEPTION FOR A SCHOOL (CG/SE) 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

Motion	Second	Vote
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15. ORDINANCE NO. 2009-03 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.02 ACRES OWNED BY BURGER KING CORPORATION, INC, LOCATED AT 3796 SOUTH CONGRESS AVENUE; 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” COMPREHEISVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) 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

Motion	Second	Vote
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16. ORDINANCE NO. 2009-04 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 0.4523 ACRES OWNED BY MACHA PROPERTIES II LLC, LOCATED AT 3800 SOUTH CONGRESS AVENUE; AND BEING MORE FULL 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 (CG) 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

Motion	Second	Vote
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17. ORDINANCE NO. 2009-05 (ONE READING ADOPTION)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, FLORIDA TO BE KNOWN AS A 2009 CYCLE II AMENDING; AND WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ, FLORIDA STATUTES; PROVIDING FOR THE AMENDMENT TO THE TEXT OF THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN TO UPDATE THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM; PROFICING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES. Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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REGULAR AGENDA

ACTIONS AND REPORTS –

18. Appointment to the Land Development Board

Staff: Virginia Walton, Village Clerk

Motion	Second	Vote
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19. Appointments to the Board of Adjustment

Staff: Virginia Walton, Village Clerk

Motion	Second	Vote
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RESOLUTIONS

20. RESOLUTION NO. 2009-11

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING A LIEN AGAINST CERTAIN PARCELS OF LAND SERVICED BY THE VILLAGE OF PALM SPRINGS AS A RESULT OF VIOLATIONS OF THE PUBLIC NUISANCE ORDINANCE, FOR OUTSTANDING NUISANCE ABATEMENT SERVICE CHARGES; AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO PERIODICALLY IDENTIFY OTHER PARCELS WITH OUTSTANDING NUISANCE ABATEMENT SERVICE CHARGES; DIRECTING THE VILLAGE CLERK TO RECORD SAID LIEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Motion	Second	Vote
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VILLAGE COUNCIL COMMENTS

ADJOURNMENT

**NEXT LOCAL PLANNING AGENCY MEETING
FEBRUARY 12, 2009 AT 7:15 P.M.**

**NEXT REGULAR COUNCIL MEETING
FEBRUARY 12, 2009 AT 7:30 P.M.**

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at 965-4010 at least 3 days prior to the meeting in order to request such assistance.