



**AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COMMUNITY ROOM
226 CYPRESS LANE
AUGUST 27, 2009
7:30 P.M.**

COUNCIL

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

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 Local Planning Agency Meeting on July 23, 2009
2. Minutes of Reconvened Local Planning Agency Meeting on July 23, 2009
3. Minutes of Regular Council Meeting on July 23, 2009
4. Approval of Library Long Range Plan for 2010 – 2012
Staff: Elena Romeo, Library Director
5. Approval of Public Safety Forfeiture Fund Expenditure in the amount of \$6,000 to be used to support the After School Tutoring Program, the Boy Scouts of America and the Palm Springs Explorer Post. Staff: Jay Pickens, Public Safety Director
6. Public Safety Budget Amendment to recognize grant funds in the amount of \$43,142.15 from Federal Edward Byrne Justice Assistance Grants (JAG), to be utilized for the purchase of Patrol Officer specialized equipment, including Level IIIA Ballistic Shields, Level IIIA Ballistic Helmets, Tasers™ and PepperBall™ Launchers. Staff: Jay Pickens, Public Safety Director
7. RESOLUTION NO. 2009-61

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, SUPPORTING EFFORTS OF THE LEISURE SERVICES DEPARTMENT IN OBTAINING GRANT FUNDS FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) PURSUANT TO CHAPTER 375.075 FLORIDA

STATUTES, AND CHAPTER 62D-5 PART V OF THE FLORIDA ADMINISTRATIVE CODE, FOR CONSTRUCTION OF PLAYGROUND AND SURFACING IMPROVEMENTS TO MEET ADA REQUIREMENTS TO THE SAGO PARK AND CYPRESS LANE PARK AREAS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

8. RESOLUTION NO. 2009-62

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING TWO DEDICATED AGREEMENT AND QUIT CLAIM DEEDS FROM NEW LEARNING ENTERPRISES, INC., FOR THE ROAD RIGHT-OF-WAYS LOCATED AT 3851 MILLER ROAD, PARCEL 1 AND PARCEL 2; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

9. RESOLUTION NO. 2009-63

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH STUDENTS IN THE ARTS TV/G-STAR, INC. FOR THE USE OF VILLAGE RECREATIONAL FACILITIES; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

10. RESOLUTION NO. 2009-64

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO TASK ORDER NO. 98 FOR CONSTRUCTION OF THE GULFSTREAM ROAD FORCE MAIN, TO AKA SERVICES, INC, IN THE AMOUNT OF \$6,500; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

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

ANNOUNCEMENTS AND PROCLAMATIONS

11. Mayor's Proclamation for August 17 – 21, 2009 as Florida Water Professionals Week

PUBLIC COMMENT - (Five minute limit)

PUBLIC HEARINGS

12. ORDINANCE NO. 2009-11 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.58 ACRES OWNED BY HESS CORPORATION, INC., LOCATED AT 3965 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"

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 Department

Motion	Second	Roll Call Vote
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13. ORDINANCE NO. 2009-12 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 78, UTILITIES, ARTICLE II, WATER AND WASTEWATER SYSTEM, DIVISION 1, GENERALLY, AND DIVISION 2, CONNECTIONS; PROVIDING DEFINITIONS; PROVIDING FOR DESTRUCTION CHARGES; PROVIDING FOR TERMINATION OF SERVICE; PROVIDING REMEDIES; PROVIDING FOR PERMANENT DISCONNECTION; PROVIDING FOR MANDATORY CONNECTIONS; PROVIDING FOR AUTHORIZED WORK AND REPAIRS; PROVIDING FOR ASSESSMENT OF READINESS TO SERVE FEE; PROVIDING FOR OTHER AMENDMENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

Motion	Second	Roll Call Vote
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14. ORDINANCE NO. 2009-13 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 2, OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", BY AMENDING ARTICLE V ENTITLED "CODE ENFORCEMENT", SECTION 2-232 ENTITLED "CODE ENFORCEMENT BOARD"; ADDING SECTION 2-238 ENTITLED "LIEN REDUCTIONS BY VILLAGE MANAGER"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

Staff: Karl Umberger, Village Manager

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

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO "COMMERCIAL" AND "LOW DENSITY RESIDENTIAL", PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR A TOTAL OF FIFTY (50) PARCELS, SAID LANDS CONSISTING OF LESS THAN 10 ACRES, OWNED INDIVIDUALLY, LOCATED ON BARBRIDGE ROAD, ERIE TERRACE, FOREST HILL BOULEVARD, KIRK

ROAD AND SOUTH MILITARY TRAIL, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN LAND DEVELOPMENT "COMMERCIAL GENERAL", "COMMERCIAL GENERAL/SPECIAL EXCEPTION" AND "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICTS 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. 2009-15 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING 24 PARCELS OF LAND CONSISTING OF A TOTAL OF 6.2022 ACRES, MORE OR LESS, INDIVIDUALLY OWNED, LOCATED AT 0000, 4077, 4048, 4055, 4067, 4078, 4093, 4103, 4128, 4141, 4144, 4155, 4163, 4164, 4175, 4188, 4203, 4216, 4231, 4239 DALE ROAD, 2597 DONALD ROAD AND 2577 KIRK ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO MEDIUM 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

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

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PERTAINING TO THE REGULATION OF NIGHTCLUBS; AMENDING CHAPTER 1, SECTION 1-2 "DEFINITIONS"; AND AMENDING CHAPTER 10 "BUILDINGS AND BUILDING REGULATIONS", TO CREATE SECTION 10-15 "NIGHTCLUBS/LAW ENFORCEMENT PRESENCE"; PROVIDING A SECURITY PERSONNEL/LAW ENFORCEMENT PRESENCE; PROVIDING MANDATORY IDENTIFICATION REQUIREMENT; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING POLICE SUPERVISION LIMITATION; PROVIDING RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; PROVIDING FOR LIMITATION OF LIABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Jay Pickens, Public Safety Director

Motion	Second	Vote
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18. RESOLUTION NO. 2009-56

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL NON-AD VALOREM ASSESSMENT ROLL 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

Motion	Second	Vote
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19. RESOLUTION NO. 2009-59 (PRELIMINARY PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR A BURGER KING RESTAURANT, SUBMITTED BY THE OWNERS, J. WELLS HOFFMAN LLC AND W. J. WELLS FAMILY LLC, FOR UNIFYING THREE PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF FOREST HILL BOULEVARD AND MILITARY TRAIL AND GRANTING ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL; AND PROVIDING AN EFFECTIVE DATE. Staff; Bette Lowe, Land Development Director

Motion	Second	Vote
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20. RESOLUTION NO. 2009-60

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES FOR A PERIOD OF TEN (10) YEARS, COMMENCING OCTOBER 1, 2009; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Motion	Second	Vote
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21. RESOLUTION NO. 2009-65 (FINAL PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT FOR A BURGER KING RESTAURANT, SUBMITTED BY THE OWNERS, J. WELLS HOFFMAN LLC AND W. J. WELLS FAMILY LLC, FOR UNIFYING THREE PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF FOREST HILL BOULEVARD AND MILITARY TRAIL AND GRANTING ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL; AND PROVIDING AN EFFECTIVE DATE. Staff; Bette Lowe, Land Development Director

Motion	Second	Vote
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REGULAR AGENDA

ACTIONS AND REPORTS

22. Discussion on Village and Village Employees Participation in the Florida Retirement System (FRS) Staff Rebecca Morse, Finance Director

VILLAGE COUNCIL COMMENTS

ADJOURNMENT

NEXT LOCAL PLANNING AGENCY MEETING
SEPTEMBER 10, 2009 AT 7:15 P.M.

FIRST BUDGET HEARING AND NEXT REGULAR COUNCIL MEETING
SEPTEMBER 10, 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.