



**AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COMMUNITY ROOM
226 CYPRESS LANE
DECEMBER 10, 2009
7:30 P.M.**

COUNCIL

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

ADMINISTRATION

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

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion	Second	Vote
--------	--------	------

CONSENT AGENDA

1. Minutes of Regular Council Meeting on November 12, 2009
2. Approval of Library Cooperative Agreement
3. Renewal of Code Enforcement Special Magistrate Agreement
4. RESOLUTION NO. 2009-92

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ENDORSING EMPLOYER SUPPORT FOR THE NATIONAL GUARD AND RESERVE, IN FURTHERANCE OF OUR COUNTRY'S SERVICE MEMBERS AND THEIR FAMILIES DURING TIME OF NEED; INSTRUCTING THE VILLAGE CLERK TO TRANSMIT SAME TO THE CHAIRMAN OF THE NATIONAL COMMITTEE FOR EMPLOYEE SUPPORT OF THE GUARD AND RESERVE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Motion	Second	Vote
--------	--------	------

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

- 5. Presentation to Council Member Gunther
- 6. Dedication of Poe Drive Passive Park and Awards Presentations

PUBLIC COMMENT - (Five minute limit)

PUBLIC HEARINGS

- 7. Initial Determination by the Village of Palm Springs Council that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners at the Sunshine Mobile Home Park located at 2765 10th Avenue North.
Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
--------	--------	----------------

- 8. ORDINANCE NO. 2009-19 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE RE-DESIGNATION OF TWO PARCELS TOTALING 17.44 ACRES, OWNED BY CORNERSTONE PALM SPRINGS LLC, LOCATED AT 2765 10TH AVENUE NORTH; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY RE-DESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM VILLAGE OF PALM SPRINGS RESIDENTIAL MULTI-FAMILY "RM" TO VILLAGE OF PALM SPRINGS COMMERCIAL GENERAL "CG"; 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
--------	--------	----------------

- 9. ORDINANCE NO. 2009-20 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.11 ACRES OWNED BY RITZ ASSOCIATES LLP; LOCATED AT 3678 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 Director

Motion	Second	Roll Call Vote
--------	--------	----------------

10. ORDINANCE NO. 2009-21 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING SECTION 34-891, VILLAGE CODE, TO ALLOW FOR PERIODS OF LONGER THAN ONE YEAR FOR DEVIATIONS FROM THE LIMITATIONS ON HOURS OF OPERATION FOR COMMERCIAL USE BUSINESS ACTIVITIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
--------	--------	----------------

11. ORDINANCE NO. 2009-22 (FIRST READING)

AN ORDINANCE OF THE CITY COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DECLARING A ZONING IN PROGRESS FOR A PERIOD OF SIX (6) MONTHS FOR THE VILLAGE TO DEVELOP REGULATIONS FOR NIGHTCLUBS, BARS AND PRIVATE CLUBS THAT SELL ALCOHOL, IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
--------	--------	------

12. ORDINANCE NO. 2009-23 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ORDINANCE NO. 2007-20, ADOPTED

OCTOBER 25, 2007 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

Motion	Second	Vote
--------	--------	------

13. RESOLUTION NO. 2009-79 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PALM BEACH COUNTY FD&O, ~~CARLOS GONZALEZ OF GONZALEZ-MBUSIBAY CONSTRUCTORS AND DEVELOPERS, AGENT FOR THE OWNER, C & D PRODUCE INC.,~~ FOR A SITE PLAN APPROVAL (SPR 09-117-12) FOR DEMOLITION OF THE EXISTING FIRE-RESCUE STATION NO. 31, AND -CONSTRUCTION OF A NEW 6,222 SQUARE FOOT ONE-STORY FIRE-RESCUE STATION, TO INCLUDE TWO EMERGENCY VEHICLE APPARATUS BAYS AND LIVING QUARTERS FOR SIX EMPLOYEES PER 24-HOUR SHIFT, AND A SPECIAL EXCEPTION USE (PSSE 09-11) FOR A NEW CONCRETE 85 FOOT MONOPOLE ANTENNA TOWER TO PROVIDE BACK-UP EMERGENCY COMMUNICATIONS, TO BE LOCATED ON THE SOUTHWEST CORNER OF THE PARCEL, ON 1.22 ACRES, ~~THE CONSTRUCTION OF A 12,625 SQUARE FOOT PRODUCE MARKET AND RETAIL FACILITIES ON~~ LOCATED AT D AT 3133 LAKE WORTH ROAD IN THE VILLAGE OF PALM SPRINGS, FL 3439 LUCERNE AVENUE AND 3484 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
--------	--------	------

This Item will be continued to the January 14, 2010 agenda

14. RESOLUTION NO. 2009-86 (SITE PLAN – Kiddie Haven/Gulfstream Road)

15. RESOLUTION NO. 2009-89 (SPECIAL EXCEPTION - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING), WITH CONDITIONS, THE APPLICATION OF ZOEY LEI, OWNER OF TIN TIN RESTAURANT, FOR A SPECIAL EXCEPTION USE (PSSE 09-12) FOR A RESTAURANT IN UNIT #120, ADJACENT TO THE EXISTING RESTAURANT IN UNIT #119, IN LAKESHORE CENTER, LOCATED AT 2677 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
--------	--------	------

16. RESOLUTION NO. 2009-90 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF GOLDEN Q BILLIARDS, FOR A SPECIAL EXCEPTION USE (PSSE 09-13) FOR OPERATION OF AN INDOOR RECREATIONAL FACILITY, WITHIN SYMS PLAZA, LOCATED AT 4340 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
--------	--------	------

17. RESOLUTION NO. 2009-91

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE LIENS 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 SERVICES CHARGES; DIRECTING THE VILLAGE CLERK TO RECORD SAID LIEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Motion	Second	Vote
--------	--------	------

REGULAR AGENDA

ACTIONS AND REPORTS –

- 18. Information Report on pending Temporary Use Agreements
Staff: Bette Lowe, Land Development Director
- 19. Update Report on Lake Worth Franchise Review Committee
By Council Member Brinkman

RESOLUTIONS

20. RESOLUTION NO. 2009-87 (AKA AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO THE AGREEMENT WITH AKA SERVICES INC., FOR KIRK ROAD AND LAKEWOOD ROAD SANITARY SEWER SYSTEM CONSTRUCTION SERVICES (PHASE I), , IN THE AMOUNT OF \$589,181 AND (PHASE II) IN THE AMOUNT OF \$869,097; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

Motion	Second	Vote
--------	--------	------

VILLAGE COUNCIL COMMENTS**ADJOURNMENT**

**NEXT REGULAR COUNCIL MEETING
JANUARY 14, 2010 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.