



**AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COMMUNITY ROOM
226 CYPRESS LANE
JANUARY 12, 2006
7:30 P.M.**

COUNCIL

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

ADMINISTRATION

- Village Manager Karl E. Umberger
- Village Clerk Virginia M. Walton
- Village Attorney Karen E. Roselli

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 December 8, 2005 Local Planning Agency Meeting**
- 2. Minutes of the December 8, 2005 Regular Council Meeting**
- 3. RESOLUTION NO. 2006-04**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA SUPPORTING THE ENACTMENT OF GENERAL STATE LEGISLATION PROPOSING AN ENTIRELY NEW SEC.163.08, *FLORIDA STATUTES*, RELATED TO THE REQUIREMENT FOR A DUAL REFERENDUM VOTE OF THE ELECTORS IF A COUNTY EXTENDS COUNTYWIDE LEVEL OF SERVICE STANDARDS FOR THE PROVISION OF ANY MUNICIPAL SERVICES WITHIN ANY MUNICIPALITY; PROVIDING SUPPORT FOR A PROPOSED LOCAL BILL LIMITING PALM BEACH COUNTY'S AUTHORITY TO ADOPT ANY COUNTYWIDE LEGISLATION

WHICH WOULD HAVE THE EFFECT OF PREVENTING MUNICIPALITIES FROM PROVIDING FIRE-RESCUE DISPATCH SERVICES OR WHICH WOULD AUTHORIZE THE USE OF COUNTYWIDE REVENUES TO FUND THE COUNTY'S FIRE-RESCUE DISPATCH SYSTEM; FURTHER PROVIDING SUPPORT FOR ANY RELATED GENERAL OR LOCAL BILL WITH SIMILAR INTENT AND OBJECTIVES WHICH FURTHERS THE INTERESTS OF MUNICIPALITIES IN MAINTAINING THEIR HOME RULE POWERS AND ABILITY TO DELIVER TRADITIONAL MUNICIPAL SERVICES; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Staff: Karl E. Umberger, Village Manager

4. RESOLUTION NO. 2006-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT FOR THE COLLECTION OF SOLID WASTE WITH WASTE MANAGEMENT INC., OF FLORIDA, A FLORIDA CORPORATION D/B/A WASTE MANAGEMENT OF PALM BEACH FROM OCTOBER 1, 2005 TO SEPTEMBER 30, 2006; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

5. RESOLUTION NO. 2006-06

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDDING A BID FOR UTILITY SYSTEM IMPROVEMENTS FOR BONNIE DRIVE, HAYDEN DRIVE, SPRINGFIELD LANE, MAJOR DRIVE AND REO LANE TO AKA SERVICES, INC. IN THE AMOUNT OF \$1,671,352.50; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION No. 2006-09

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH MICHAEL ANTHONY COMPANY; OWNER OF A 14.23 ACRE PARCEL OF LAND LOCATED AT 1200 SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

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

ANNOUNCEMENTS AND PROCLAMATIONS

7. Awards for 2005 Holiday Decorating Contest Winners

PUBLIC COMMENT - (Five minute limit.)

PUBLIC HEARINGS

8. RESOLUTION NO. 2005-64 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CHRISTIAN BALLESTEROS/CBR GROUP ARCHITECTS, AGENT FOR THE OWNER, DOWNTOWN SHOPS LLC; FOR SITE PLAN REVIEW (SPR 05-15); FOR CONSTRUCTION OF 20,894 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.46 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND ADCOCK LANE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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This item will be continued to the January 26, 2006 Agenda

9. RESOLUTION NO. 2005-83 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PRINCIPLE DESIGN & DEVELOPMENT, INC., AGENT FOR THE OWNER, DR. ROBERT ROY; FOR SITE PLAN REVIEW (SPR 05-18); FOR CONSTRUCTION OF A 31,740 SQUARE FOOT VETERINARY CLINIC AND TEACHING HOSPITAL ON A VACANT PARCEL CONSISTING OF 2.795 ACRES LOCATED AT 3884 FOREST HILL BLVD.; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Direct

10. RESOLUTION NO. 2006-01 (SITE PLAN - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING EXISTING SITE PLAN (SPR 04-10) AND SPECIAL EXCEPTION (PSSE 04-01) TO EXTEND THE BUILD-OUT DATE

FROM JANUARY 28, 2006, TO MAY 28, 2006; FOR OF CONSTRUCTION OF A 5,355 SQUARE FOOT ADULT ENTERTAINMENT CLUB WITH A 4COP LIQUOR LICENSE AND FULL SERVICE RESTAURANT, KNOWN AS “CLUB PEEK-A-BOO”, LOCATED AT 3174 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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11. RESOLUTION NO. 2006-08 (PRELIMINARY PLAT - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR HENRY - CABRERA SUBDIVISION, SUBMITTED BY HECTOR CABRERA, AGENT FOR THE OWNER, HENRY CABRERA, FOR THE PROPRETY LOCATED ON SOUTHEAST CORNER OF KIRK ROAD AND CANAL 9 ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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12. RESOLUTION NO. 2006-07

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 ANNEXATION OF FORTY-EIGHT (48) PARCELS OF TEN ACRES OR LESS THOSE LANDS MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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This item will be continued to the February 9, 2006 Agenda

13. ORDINANCE NO. 2006-01

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 2.04 ACRES OWNED BY LION COUNTRY SAFARI INC.; LOCATED AT 1212 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

14. ORDINANCE NO. 2006-02 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .68 ACRES OWNED BY JESSICA SAENZ; LOCATED AT 1478 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 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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15. ORDINANCE NO. 2006-03 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES;" TO PROVIDE SPECIFIC CONTENT NEUTRAL TIME, PLACE, AND MANNER RESTRICTIONS FOR THE STREET-SIDE SOLICITATION OF DONATIONS AND EMPLOYMENT AND THE DISTRIBUTION OF PRINTED MATERIALS IN ARTICLE III ENTITLED "SOLICITORS;" PROVIDING FOR THE CREATION OF NEW

CODE SECTION 14-46 TO BE ENTITLED "LEGISLATIVE PURPOSE;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-47 TO BE ENTITLED "DEFINITIONS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-48 TO BE ENTITLED "PROHIBITION OF SOLICITATION OF DONATIONS OR EMPLOYMENT OR THE DISTRIBUTION OF PRINTED MATERIALS ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-49 TO BE ENTITLED "PROHIBITION OF SOLICITATION OF DONATIONS OR EMPLOYMENT AND THE DISTRIBUTION OF PRINTED MATERIALS IN COMMERCIAL PARKING AREAS AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-50 TO BE ENTITLED "PERMITS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-51, TO BE ENTITLED "VIOLATION; PENALTY;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Jay C. Pickens, Public Safety Director

Motion	Second	Vote
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16. ORDINANCE NO. 2006-04 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF PALM SPRINGS, TO CREATE NEW CHAPTER 39, TO BE ENTITLED "SEXUAL OFFENDER AND SEXUAL PREDATOR REGULATIONS; CREATING NEW CODE SECTION 39-1 TO BE ENTITLED "FINDINGS AND INTENT;" CREATING NEW CODE SECTION 39-2 TO BE ENTITLED "DEFINITIONS"; CREATING NEW CODE SECTION 39-3, TO BE ENTITLED "PROHIBITIONS, EXCEPTIONS; PENALITES;" TO PROVIDE A SEPARATION REQUIREMENT OF 1500 FEET FROM THE RESIDENCES OF SEXUAL OFFENDERS AND PREDATORS AND CERTAIN PERMITTED USES; CREATING NEW CODE SECTION 39-4, TO BE ENTITLED "RENTAL OF REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND PREDATORS PROHIBITED"; CREATING NEW CODE SECTION 39-5, TO BE ENTITLED "ANNUAL REGISTRATION OF PRIVATE SCHOOL BUS STOPS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Jay C. Pickens, Public Safety Director

Motion	Second	Vote
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17. ORDINANCE NO. 2006-06 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING ONE PARCEL OF LAND CONSISTING OF 14.23 ACRES; OWNED BY MICHAEL ANTHONY COMPANY, LOCATED AT 1200 SOUTH CONGRESS AVENUE; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION. Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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18. ORDINANCE NO. 2006-07 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .15 ACRES, OWNED BY H. L. RE INVESTMENTS, L.L.C.; LOCATED AT 2877 FOREST HILL BOULEVARD; 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	Vote
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19. ORDINANCE NO. 2006-08 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .17 ACRES OWNED BY JACQUELINE GREEN; LOCATED AT 3830 DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO 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 MULTI-FAMILY RESIDENTIAL (RM) 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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20. ORDINANCE NO. 2006-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE VILLAGE OF PALM SPRINGS, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Staff: Karen E. Roselli, Village Attorney

Motion	Second	Vote
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REGULAR AGENDA

RESOLUTIONS

21. RESOLUTION NO. 2006-03

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNOUNCING QUALIFICATIONS AND THE QUALIFYING TIME FOR CANDIDATES FOR THE GENERAL ELECTION MARCH 14, 2006; DESIGNATING VOTING LOCATIONS; APPOINTING THE

CANVASSING BOARD; ASSIGNING THE SUPERVISOR OF ELECTIONS TO HANDLE THE ABSENTEE BALLOTS; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Motion	Second	Vote
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VILLAGE COUNCIL COMMENTS

ADJOURNMENT

**SPECIAL COUNCIL MEETING
JANUARY 19, 2006 AT 6:30 P.M.**

**NEXT LOCAL PLANNING AGENCY MEETING
JANUARY 26, 2006 AT 7:15 P.M.**

**NEXT REGULAR COUNCIL MEETING
JANUARY 26, 2006 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.