



**AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COMMUNITY ROOM
226 CYPRESS LANE**

**SEPTEMBER 14, 2006
7:30 P.M.**

COUNCIL

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

ADMINISTRATION

- Village Manager Karl E. Umberger
- Village Clerk Virginia 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 Regular Council Meeting on August 24, 2006**
- 2. Ratification of Action Taken at Emergency Meeting on August 29, 2006 in preparation for Hurricane/Tropical Storm Ernesto**
Staff: Virginia M. Walton, Village Clerk
- 3. Public Safety Budget Amendment to recognize donated funds in the amount of \$17,900.00 from Palm Springs PAL for purchase of a passenger van.** Staff: Jay C. Pickens, Public Safety Director
- 4. Administrative Budget Amendment from the Council Contingency to provide additional funding for legal services through fiscal year end.**
Staff: Rebecca Morse, Finance Director

Consent Agenda Continued.....

5. RESOLUTION NO. 2006-65 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH NUVA GROUP, LLC; OWNER OF TWO PARCELS OF LAND CONSISTING OF .26 ACRES, LOCATED AT 3544 AND 3554 LAKE WORTH ROAD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

6. RESOLUTION NO. 2006-66 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TONSET COMPANY INC.; OWNER OF A VACANT PARCEL OF LAND CONSISTING OF 16.63 ACRES, LOCATED ON THE NORTHEAST CORNER OF LARK ROAD AND SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

7. RESOLUTION NO. 2006-69 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH DAREBECAFE INVESTMENT CORPORATION, OWNER OF THE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF COCONUT ROAD AND LAKE WORTH ROAD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

8. RESOLUTION NO. 2006-79 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH SUMMIT CONGRESS PLAZA LLC, OWNER OF THE PROPERTY LOCATED AT 865 SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Consent Agenda Continued.....

9. RESOLUTION NO. 2006-85 (INTERLOCAL)

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 TWENTY-EIGHT (28) 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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End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

PUBLIC COMMENT - (Five minute limit.)

PUBLIC HEARINGS

This item will be continued to the September 28, 2006 agenda

10. RESOLUTION NO. 2006-70 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF DALE R. HEDRICK, AGENT FOR THE OWNER, HIGH POINT ON CONGRESS, LLC; FOR SITE PLAN REVIEW (SPR 06-08); FOR CONSTRUCTION OF 8,130 SQUARE FEET OF RETAIL SPACE, 33,740 SQUARE FEET OF WAREHOUSE SPACE, 33,670 SQUARE FEET OF OFFICE SPACE AND A SPECIAL EXCEPTION USE (PSSE 06-01) TO PERMIT A 4,550 SQUARE FOOT DRIVE-THRU FAST FOOD RESTAURANT WITH SEATING FOR 110; ON 7.34 ACRES LOCATED ON THE EAST SIDE OF CONGRESS AVENUE, IMMEDIATELY SOUTH OF HOLLY DRIVE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

11. ORDINANCE NO. 2006-41 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWO PARCELS OF LAND CONSISTING OF .26 ACRES OWNED BY NUVA GROUP, LLC; LOCATED AT 3544 AND 3554 LAKE WORTH ROAD; 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
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12. ORDINANCE NOP. 2006-42 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF 16.63 ACRES; OWNED BY TONSET COMPANY INC., LOCATED AT THE NORTHEAST CORNER OF LARK ROAD AND 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	Roll Call Vote
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13. ORDINANCE NO. 2006-43 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWENTY-SIX (26) PARCELS OF LAND CONSISTING OF A TOTAL OF 13.76 ACRES; INDIVIDUALLY OWNED, LOCATED AT 3578, 3672 AND 3864 COCONUT ROAD, 3579, 3582, 3625, 3629 AND 3901 DAVIS ROAD, 3512, 3537, 3538, 3551, 3562, 3574, 3588, 3589 AND 3601 HUNT ROAD, 3808, 3825, 3901 AND 3902 LAKEWOOD ROAD, 103, 104, 112, 115 AND 121 PLEASANT PLACE, PLUS THE ROAD RIGHTS-OF-WAY FOR

DAVIS ROAD FROM CANAL ROAD TO LAKE WORTH ROAD, FOR COCONUT ROAD FROM CANAL ROAD TO SECOND AVENUE NORTH, FOR HUNT ROAD BETWEEN COCONUT ROAD AND DAVIS ROAD AND FOR LAKEWOOD ROAD BETWEEN COCONUT ROAD AND DAVIS ROAD; 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	Roll Call Vote
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14. ORDINANCE NO. 2006-44 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF ONE ACRE OWNED BY DAREBECAFE INVESTMENT CORPORATION; LOCATED AT THE SOUTHEAST CORNER OF COCONUT ROAD AND LAKE WORTH ROAD, WEST OF DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-69 ON AUGUST 24, 2006, AND INCORPORATED HEREIN BY REFERENCE; 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. 2006-46 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .80 ACRES OWNED BY M.I.M. INC.; LOCATED OFF CONGRESS AVENUE, EAST OF LARK ROAD FRONTING PRAIRIE ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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 MULTI-FAMILY RESIDENTIAL 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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This item will be continued to the September 28, 2006 agenda

16. ORDINANCE NO. 2006-47 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, ARTICLE 1 OF THE CODE OF ORDINANCES, TO CREATE NEW CODE PROVISIONS PERTAINING TO HOUSING OCCUPANCY STANDARDS; PROVIDING FOR THE CREATION OF NEW CODE SECTION 10-2 TO BE ENTITLED "PURPOSE AND INTENT;" CREATING NEW CODE SECTION 10-3 TO BE ENTITLED "RESPONSIBILITY OF OCCUPANT;" CREATING NEW CODE SECTION 10-4 TO BE ENTITLED "RESPONSIBILITY OF OWNER;" CREATING NEW CODE SECTION 10-5 TO BE ENTITLED "OCCUPANCY LIMITATIONS;" CREATING TABLE 1 TO BE ENTITLED "MINIMUM AREA REQUIREMENTS;" CREATING NEW CODE SECTION 10-6 TO BE ENTITLED "BASIC EQUIPMENT AND FACILITIES;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

17. ORDINANCE NO. 2006-51 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING ONE PARCEL OF LAND CONSISTING OF 5.7 ACRES; OWNED BY SUMMIT CONGRESS PLAZA LLC, LOCATED AT 865 SOUTH

CONGRESS AVENUE; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-79 ON SEPTEMBER 14, 2006; 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. 2006-52 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING ORDINANCE NO. 2005-29 ADOPTED OCTOBER 27, 2005; PROVIDING FOR A REVISED AND RESTATED GENERAL EMPLOYEES MUNICIPAL PENSION TRUST FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

Motion	Second	Vote
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19. ORDINANCE NO. 2006-49 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2006/2007; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Motion	Second	Vote
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20. ORDINANCE NO. 2006-50 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Finance Director

Motion	Second	Vote
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REGULAR AGENDA

ACTIONS AND REPORTS – None Scheduled

VILLAGE COUNCIL COMMENTS

ADJOURNMENT

**NEXT LOCAL PLANNING AGENCY MEETING
SEPTEMBER 28, 2006 AT 7:15 P.M.**

**NEXT REGULAR COUNCIL MEETING AND FINAL BUDGET HEARING
SEPTEMBER 28, 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.