

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, FEBRUARY 28, 2008**

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor John M. "Mike" Davis called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor John M. Davis, Vice Mayor Bev Smith, Mayor Pro Tem Joni Brinkman, Council Member Chet Osborne, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Lt. Gary Sykes, as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Public Service Director Bill Davis and Leisure Services Director Bill Golson.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Council Member Osborne.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items #5, #7, #8 and #16 continued to March 13th agenda
Item #10 is pulled from the agenda
Add: item #4A Annual Report on Pension Plans
Mayor Davis: Add: Item #4B Garbage
Mayor Pro Tem Brinkman: Add Item #16A Rescind Resolution 2008-13

A motion to accept the agenda as revised was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on February 14, 2008**
2. **Public Safety Forfeiture Fund Expenditure in the amount of \$22,172 for purchase of additional Mobile Video Cameras and portable Digital DVD Cameras to be used by the Patrol Division, as well as an upgrade for the security cameras used in the holding cells.**
3. **RESOLUTION NO. 2008-28 (INTERLOCAL AGREEMENT)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING A RESPONDING RESOLUTION, AUTHORIZING THE VILLAGE OF PALM SPRINGS, FLORIDA, TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH THE CITY OF GREENACRES AND PALM BEACH COUNTY

PURSUANT TO CHAPTER 171 PART II FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

4. RESOLUTION NO. 2008-10 (FIREWORKS CONTRACT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MELROSE SOUTH PYROTECHNICS, INC. FOR THE PURCHASE OF A FIREWORKS DISPLAY FOR THE 4TH OF JULY CELEBRATION; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Golson, Leisure Services Director

A motion to approve the consent agenda as presented was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

Add:

4A. Report on Status of General Employees and Hazardous Employees Pension Plans by Pension Attorney Bonnie Jensen.

Attorney Bonnie Jensen gave a brief summary of the General Employees Pension Fund. As of 9/30/2007, the fund had a total market value of \$9,581,865, which was an increase of approximately \$1,800,000 since 10/1/2006. The Fund had a rate of return of 15.33% versus the target return of 10.28%. The target used was 55% Russell 1000, 40% Lehman bros. Government/Credit and 5% 90 day Treasury. As of 9/30/2007, the Fund is 73.1% funded. For fiscal year 2006/2007, the Village contributed 20.6% of payroll to the pension fund, and the contribution for fiscal year 2007/2008 would be 20.3%. The participants contributed 3% of their pay.

Attorney Jensen then gave a brief summary of the Hazardous Duty Employee Pension Fund. As of 9/30/2007, the Fund had a total market value of \$9,087,030, which was an increase of approximately \$2,000,000 since 10/1/2006. The Fund had a rate of return of 17.54% versus the target return of 12.55%. The target used was 65% S&P 500, 30% Lehman Bros. Government/Credit and 5% 90 day Treasury. As of 9/30/2007, the Fund was 61.1% funded. For fiscal year 2006/2007, the Village contributed 31.71% of payroll to the pension fund, and the contribution for fiscal year 2007/2008 would be 29.28%. The participants contributed 6.6% of their pay.

Council Member Osborne commented that the Funds have come a long way since the old Aetna days and the trustees have done an excellent job of keeping up with the growth. Council Member Waller commented that she enjoyed being a trustee on the Board.

Add:

4B. Discussion on garbage by Mayor John M. Davis

Mayor Davis asked if everyone had read the article in the local paper today about the costs of garbage collection soaring. The County contract referred to in the article was only for five years. Mayor Davis stated the new contract that the Village had recently executed was at a much lower rate and was for seven years. The Village Manager had negotiated an excellent contract for the Village. Mayor Davis stated that most of the comments he had received had been positive, with the exception of those few at the last meeting, who happened to live on his street. Mayor Davis commented that he felt the Village residents would be very pleased with Republic Services, as they were known for excellent service to their clients. There might be a few "dips in the road" while implementing the new collection service, but he felt the Council and Staff were well able to deal with them.

PUBLIC COMMENT - None

PUBLIC HEARINGS

This item was continued to the March 13, 2008 agenda

5. RESOLUTION NO. 2008-16 (SITE PLAN-DISCOUNT RENTAL)

6. RESOLUTION NO. 2008-19 (SITE PLAN-QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF IDALMIS ESPINOSA, AGENT FOR THE OWNER, IRVING REGENSTREIF TRUST; THE SITE PLAN (SPR 08-01); AND A SPECIAL EXCEPTION USE (PSSE 08-01) FOR INTERIOR RENOVATION OF AN EXISTING BUILDING FOR USE AS A TAKE-OUT RESTAURANT LOCATED AT 2911 SOUTH CONGRESS AVENUE, SUITE 101; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on January 24, 2008. There were no ex parte communications disclosed and the Applicant was not present to give testimony. Manager Umberger advised the Council that the Land Development Board had recommended approval of the request at their meeting on February 12, 2008; however, Director Lowe had a statement to read into the record. Director Lowe stated that she had been informed that the Applicant was not going to move forward with this renovation, but had not received any written notification as yet. Therefore, the item remained on the agenda. Council Member Osborne asked if the 32 parking spaces was for this site or the entire complex. Director Lowe replied it was the entire complex. Mayor Pro Tem Brinkman asked if the applicant was in compliance with the site plan. Director Lowe replied they were not. The zoning does not work and there was a code action to require the relocation of the dumpsters.

Village Attorney Torcivia suggested this item be postponed until the March 13, 2008 agenda in order to clarify all matters outstanding and determine whether the Applicant was going forward or not. A motion to postpone was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 5 – 0.

This item was continued to the March 13, 2008 agenda

7. **RESOLUTION NO. 2008-20 (SITE PLAN- FORMER BEN’S STEAKHOUSE SITE- CONGRESS AVENUE)**

This item was continued to the March 13, 2008 agenda

8. **RESOLUTION NO. 2008-21 (SITE PLAN – PALM SPRINGS PLAZA DOCK)**
9. **RESOLUTION NO. 2008-22 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JULIAN LORENZO TOMAS AND MAYNOR MALDONADA LOPEZ FOR A SPECIAL EXCEPTION USE (PSSE 08-03) FOR INTERIOR RENOVATION OF AN EXISTING BUILDING TO BE USED AS A BAKERY WHOLESALE ESTABLISHMENT (SECTION 34-824(16) VILLAGE CODE), ON 1.2 ACRES LOCATED AT 3330 2ND AVENUE NORTH, UNIT 12; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

This item was continued to the March 13, 2008 agenda

10. **RESOLUTION NO. 2008-23 (SITE PLAN – LIFE SKILLS CHARTER SCHOOL)**

This item was continued to the March 13, 2008 agenda

11. **RESOLUTION NO. 2008-25 (SITE PLAN–CASARRUBIAS–LAKE WORTH RD)**
12. **ORDINANCE NO. 2008-01 (SECOND READING)**

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .29 ACRES OWNED BY TODD AND KIM HUFFMAN, LOCATED AT 3040 SPRINGFIELD DRIVE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW 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 (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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on February 7 and February 14, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. A roll call vote was in favor of adoption 5 – 0.

13. ORDINANCE NO. 2008-02 (SECOND 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 SEPTEMBER 14, 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on February 7 and February 14, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 5 – 0.

14. ORDINANCE NO. 2008-04 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 62, OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE" BY AMENDING ARTICLE II, ENTITLED "COLLECTION AND DISPOSAL GENERALLY", SECTION 62-31, ENTITLED "DEFINITIONS", SECTION 62-32, ENTITLED "PURPOSE AND INTENT", SECTION 62-34, ENTITLED "CONTAINERS REQUIRED", SECTION 62-35, ENTITLED "COLLECTION RESTRICTIONS", SECTION 62-36, ENTITLED "PLACEMENT OF CONTAINERS, FOR COLLECTION", SECTION 62-37, ENTITLED "RESIDENTIAL COLLECTION SCHEDULE", SECTION 62-38, ENTITLED "COLLECTION FEES", SECTION 62-39, ENTITLED "COLLECTION REGULATIONS", SECTION 62-40, ENTITLED "FRANCHISE TERMS", SECTION 62-41, ENTITLED "BILLING PROCEDURE", SECTION 62-42, ENTITLED "LOCATION AND SCREENING OF DUMPSTERS"; CREATING SECTION 62-43, TO BE ENTITLED "COMMERCIAL COLLECTION", SECTION 62-44, TO BE ENTITLED "OTHER COLLECTION" AND SECTION 62-45, TO BE ENTITLED "SPECIAL WASTES COLLECTION AND DISPOSAL"; AMENDING ARTICLE III, ENTITLED "RECYCLING", SECTION 62-72, ENTITLED "SINGLE-FAMILY RESIDENCES"; CREATING SECTION 62-76, TO BE ENTITLED "COLLECTOR—IN GENERAL"; AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS", SECTION 1-2, ENTITLED "DEFINITIONS AND RULES OF CONSTRUCTION", BY DELETING THE DEFINITION OF "GARBAGE CAN"; PROVIDING FOR REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on February 7 and February 14, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. A roll call vote was in favor of adoption 5 – 0.

15. ORDINANCE NO. 2007-26 (SECOND READING)

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 2008 CYCLE 1 AMENDMENT; 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 OF THE VILLAGE'S FUTURE LAND USE MAP PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR THE PURPOSE OF INCLUDING PROPERTIES RECENTLY ANNEXED INTO THE VILLAGE ON THE FUTURE LAND USE MAP "FLUM"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing for first reading was placed in the Palm Beach Post on October 22, 2007, and for second reading in the Palm Beach Post on February 18, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Vice Mayor Smith and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

This item was continued to the March 13, 2008 agenda

16. ORDINANCE NO. 2007-27 (FIRST READING – BEER DEPOT)

Add:

16A. Rescinding Resolution No. 2008-13, adopted on February 13, 2008.

Mayor Pro Tem Brinkman stated that she would like to give notice that at the next council meeting she would move to rescind Resolution No. 2008-13, adopted at the Council Meeting on February 13, 2008, relating to the Interlocal Agreement with Palm Beach County for collection of Palm Beach County Impact Fees. Mayor Pro Tem Brinkman stated her request was in result to some information which was not available to the Council when the resolution was adopted. Mayor Pro Tem Brinkman stated that when she received her LDRAB agenda package, she noticed that the Council was considering changing the administrative fees municipalities would receive. The fees were originally somewhere from 2 – 6%. The Coordinator at the meeting now thought it would now be closer to 3.5 or 3.9%. The County had actually approached the Village to adopt the resolution, but neglected to advise the Village they were contemplating raising the fees. Mayor Pro Tem Brinkman stated she felt it would be prudent to rescind this resolution and wait for the County to make their decision on fees before adopting another resolution. Manager Umberger added that at the Palm Beach County League Meeting, the League had voted for no increase in the impact fees. Mr. Swoop was present and stated there was going to be a recommendation for an increase, but was unsure of how much right now.

Mayor Davis stated that notice had been given that at the next meeting Mayor Pro Tem Brinkman would move to rescind Resolution No. 2008-13, adopted at the Council Meeting on February 13, 2008, relating to the Interlocal Agreement with Palm Beach County for collection of Palm Beach County Impact Fees.

REGULAR AGENDA

ACTIONS AND REPORTS – None

VILLAGE COUNCIL COMMENTS - None

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:03 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor