

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, APRIL 9, 2009**

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 Patti Waller, Council Member Joni Brinkman, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton. Mayor Pro Tem Bev Smith was present telephonically from Orlando.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Public Service Director Director Davis and Village Engineer Don Eckler.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Add Item 8A. Update Report on Council Appointment

A motion to accept the agenda as revised was made by Council Member Brinkman and seconded by Vice Mayor Waller. Motion carried 4 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on March 26, 2009

2. RESOLUTION NO. 2009-29 (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 IN THE AMOUNT OF \$10,000; AND PROVIDING AN EFFECTIVE DATE.

Staff: Director Golson, Leisure Services Director

3. RESOLUTION NO. 2009-30

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA, OPPOSING AND PROTESTING ANY CHANGE IN THE VILLAGE OF PALM SPRINGS' WATER RATE MAKING AUTHORITY ESTABLISHED BY THE FLORIDA LEGISLATURE IN SECTION 180.191, *FLORIDA STATUTES*, AND SPECIFICALLY THE EFFORTS OF MIAMI-DADE COUNTY TO PROHIBIT MUNICIPAL WATER AND SEWER UTILITIES FROM LEVYING A SURCHARGE ON CONSUMERS OUTSIDE THE VILLAGE OF PALM SPRINGS UNLESS AN EQUAL SURCHARGE IS LEVIED ON CONSUMER INSIDE THE VILLAGE; PROVIDING AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff: Karl Umberger, Village Manager

4. RESOLUTION NO. 2009-31

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CERTAIN BUILDING PERMIT AND LAND DEVELOPMENT FEES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

A motion to approve the consent agenda as presented was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

5. Palm Springs Water Voted Best in Florida at AWWA State Competition in Tallahassee, FL

Mayor Davis announced that Palm Springs had just been awarded the trophy and plaque currently on the Dias for winning the State AWWA Competition for the Best Tasting Water in Florida. The credit for that goes to the Public Service Department. Mayor Davis then introduced Public Service Director Davis, who he stated had some comments on this honor that has been bestowed on the Village, as well as the good work of he and his staff.

Director Davis thanked the Mayor and the Council for all the help they have given his department, which enabled them to win this award. Director Davis stated most of the credit went to his Operators, who have done an outstanding job and are second to none in the State of Florida. Director Davis stated he was very proud of his men and introduced two of his Lead Operators, Chris Kovacs for the Pratt Plant, and John Rouse for the Palm Springs Plant. Director Davis commented that when the Regional Competition won, they had taken a test sample from the Pratt Plant and won; and when they went to the State Competition, the test sample came from the Palm Springs Plant, so they got equal billing and both won. Director Davis commented that it was hard to explain how proud he was to be part of this whole team, from the Council who had the wisdom to approve this new unproven system to his outstanding staff. They system works, the Village has a good product, and maybe the next step is to put it in a bottle!

Mayor Davis asked what the next step was. Director Davis replied they would be attending the AWWA National Conference in San Diego, CA, where the next competition for the Best of the Best in the US would take place on June 15, 2009. Director Davis also introduced the Village Engineer, Don Eckler, who he stated designed this system and brought the concept to the Village.

Don Eckler stated this concept began in the mid-nineties when the Council needed to make changes to the water plants to comply with new Federal Regulations for drinking water quality. The decision was to go with the tried and true membrane softening procedures, normally used, at the cost of \$12 million, which would have provided 6 million gallons of water at the plant; or continue with the existing lime softening process and then modify at a later when the rules changed, which is what the Council decided. This was a risk, but was a significant savings to the Village. The first part of the expansion was at the Palm Springs Main Plant in 1995 at a cost of about \$4.5 million; and then in 2002 the new ion exchange process was proposed and agreed to by the Council. This was the first one built in the United States. The

Council and Staff worked as a team and the results have been proven tonight.

Mayor Davis added that the Staff that runs the water plants day in and day out are what makes the water what it is today. Mayor Davis commented that he remembered the old plant and the band aid fixes to keep it running. Granted, the equipment is necessary and a great job was done with the plant; however, it's the staff that keeps it on top and the Council appreciated everyone involved. The Council wished staff good luck in California.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, asked the Council if there was any future consideration for a merger between Lake Clarke Shores and Palm Springs for growth and expansion. Mayor Davis responded that there were absolutely no plans.

Mr. Ready commented that during the last few hurricanes all his other utilities, such as FP&L, AT&T and Comcast, were all down for various periods of time, but Palm Springs Water was always available, making life tolerable; and he wanted to thank Mayor Davis, the Council and Staff.

PUBLIC HEARINGS

6. RESOLUTION NO. 2009-27 (SITE PLAN/SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF FOUR FLORIDA SHOPPING CENTER PROPERTIES LTD, THE SITE PLAN (SPR 09-03) AND A SPECIAL EXCEPTION USE (PSSE 09-03) FOR A TEN FOOT EXTENSION TO AN EXISTING 117 FOOT CELLULAR TOWER, TO ACCOMMODATE AN ADDITIONAL ANTENNA, AND ADDITIONAL GROUND EQUIPMENT SHELTER AND DIESEL GENERATOR, LOCATED AT 3101 FOREST HILL BOULEVARD; 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 March 19, 2009. There were no ex parte communications disclosed. Robert Lauter, representing AT&T, was sworn in to give testimony. Manager Umberger advised the Council that the 117 foot cellular tower existed on the northeast corner when the property was annexed into the Village on May 13, 2004. The Land Development Board had recommended approval, subject to conditions listed in Exhibit "A", at their meeting on March 24, 2009. The intended use was for improved and more dependable wireless service for areas from Forest Hill and Congress north to Summit and Congress, as well as improved 911 communications that were mandated by the FCC. The additional height is required to obtain this improved coverage and no other tower in the area met the requirements. Even with the extension and the new antennas, the tower would only be at 54% of its rated capacity. When originally designed and built in 2002, the tower was designed up to 150 feet, but only built at 117 feet.

When asked by Council, Director Lowe stated she was in agreement with the request, subject to the conditions listed on Exhibit "A". Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Council Member Brinkman and seconded by Vice Mayor Waller. Motion carried 4 – 0.

7. RESOLUTION NO. 2009-32 (FINAL PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT FOR THE OXYGEN-Forest HILL CENTER, SUBMITTED BY THE OWNERS, TEXAS BEVERLY COMPANY, FOUR FLORIDA SHOPPING CENTERS PROPERTIES L.P., H.J. BROWN FLORIDA PROPERTIES MANAGEMENT, INC., HIDDEN ACRES VENTURE, INC. AND MORGAN BROWN TRUST, FOR THE PROPERTIES LOCATED AT THE NORTHWEST CORNER OF FOREST HILL BOULEVARD AND CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the preliminary plat had been approved by Resolution No. 2008-96 on February 26, 2009. There were substantial modifications made since the preliminary plat. The name was changed from Oxygen Center to Oxygen-Forest Hill Center; due to the lengthy review and approval process of FP&L and LWDD, those proposed easements had been removed and will be recorded under separate instructions, with a note providing this information. Recorded copies will be provided to the Land Development Department prior to permitting; and the blank OR Book and Pages showing on the plat for the Property Association Covenants, easements, etc., will be completed prior to recording of the document. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and the public. Council Member Brinkman stated that she would recuse herself from voting on this item because her office was an agent for the Applicant, and she has submitted the proper paperwork to the Clerk. Hearing no other comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 3 – 0.

8. ORDINANCE NO. 2009-06 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY J WELLS HOFFMAN LLC AND W.J. WELLS FAMILY, LLC, AND LOCATED AT 1760 AND 1800 SOUTH MILITARY TRAIL, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL; 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 March 19 and March 26, 2009. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the public and from the Council. Hearing none, a motion to adopt the ordinance on second reading was made by Vice Mayor Waller and seconded by Council Member Brinkman. A roll call vote was in favor of adoption 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

ADD:

8a. Updated Report on Council Vacancy Appointment

Manager Umberger advised the Council that an invitation to submit an application for appointment to the Council to represent District 1 had been published in the Lake Worth Herald and placed in the Village newsletter and on the Village website. The information continues to be on the website. The deadline for submissions would be April 17, 2009, so that those interested could be interviewed at the Council Meeting on April 23, 2009 and a selection made later in the meeting. If there was no majority vote for appointment, then the options would be to re-advertise, accept the offer of Chet Osborne to serve until the next scheduled Village election or continue with only four Council Seats filled until the next scheduled Village election. Manager Umberger stated he had discussed the options with Village Attorney Torcivia, who was available to answer questions; and public comment was recommended for this meeting.

Mayor Davis asked for questions or comments from the Council and from the public. There were no comments.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller offered congratulations to Mr. Davis, his staff and Don Eckler, and stated she was proud to be living in Palm Springs with the best water in the State. Credit was to be given to Mr. Davis and Staff, and good luck was wished for the California competition. Vice Mayor Waller also asked if there had been any word from G-Star school about removing the airplane from the front of the building. Manager Umberger replied that he had met with Mr. Haupner this past week and they were in the process of submitting for sit plan approval, with removal of the plane in conjunction with the site plan. Director Lowe added that the site plan was in for review now and the Council would probably see the item at the May Council Meeting. The Applicant had indicated he would be asking for an extension of removal of the airplane.

Council Member Brinkman congratulated the entire Utilities Department and Engineer Don Eckler. Council Member Brinkman stated she remembered the Council Meeting when the expenditure for the plants was discussed and agrees the Council and Staff made a good decision. Council Member Brinkman revealed that she loved carbonated water; but had made a conscious effort to give it up for Palm Springs water and agreed it was wonderful.

Mayor Pro Tem Smith congratulated Director Davis and the Utilities Department for the great award and wished them well in San Diego. Mayor Pro Tem Smith also thanked the Council for allowing her to attend by teleconference and wished everyone a good weekend.

Mayor Davis stated the Village appreciated Director Davis, his staff and Don Eckler; and in retrospect, they made a heck of a decision. The Village did enjoy good water; and also enjoyed that when hurricanes come and the electric and phones are out, at least the Village residents can flush a toilet and take a shower, even if it is cold water. This makes a bad situation a bit more tolerable, and it's appreciated. Mayor Davis then announced that the next schedule meeting of the Council was April 23, 2009, at 7:30 pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 7:56 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor