

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 24, 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, Mayor Pro Tem Bev Smith, Council Member Doug Gunther, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton. Council Member Joni Brinkman was absent.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Doug Hammann, representing Village Engineer.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items No. 9, No. 10 and No. 14 will be continued to the October 8th agenda

Add: Item No. 16A. Resolution No. 2009-77 Modification to Task Order No. 97

A motion to accept the agenda as revised was made by Council Member Gunther and seconded by Mayor Pro Tem Smith. Motion carried 4 – 0.

CONSENT AGENDA

1. Minutes of Budget Workshop on July 18, 2009
2. Minutes of Local Planning Agency Meeting on September 10, 2009
3. Minutes of Regular Council Meeting on September 10, 2009
4. Budget Amendment to transfer funds in the amount of \$70,000 from Council Contingency to Sanitation to provide funds due to increased units.
Staff: Rebecca Morse, CFO
5. Renewal of Village Property, Liability, Casualty and Workers Compensation Insurance with Florida League of Cities Florida Municipal Insurance Trust (FMIT)
Staff: Virginia Walton, Village Clerk

6. RESOLUTION NO. 2009-76

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE MAP ATTACHED AS EXHIBIT "A" TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING TWO (2) ENCLAVES CONSISTING OF A TOTAL OF FOUR (4) PARCELS, OF TEN ACRES OR LESS, AND THE ROAD RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

A motion to approve the consent agenda as presented was made by Council Member Gunther and seconded by Vice Mayor Waller. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS**7. Excellent Police Service Award Presentation to Patrol Team D**

Chief Pickens stated that Central Palm Beach County, including Palm Springs, had been dealing with an escalating amount of smash and grab robberies and investigators felt it was numerous groups who were responsible. On July 12, 2009, Team D responded to an alarm call at Nature's Corner Health Food Store on Congress Avenue. Cpl. Fequiere advised his team to fan out in the neighborhood and they stopped a suspect on a bicycle and questioned him after noticing glass particles on his clothing. This suspect eventually confessed to over 80 robberies in the County, 26 of which were in Palm Springs. Chief Pickens and Mayor Davis presented Cpl. Ralph Fequiere, Patrol Officer Claudio Ferrer, Patrol Officer Christian Kellenberger, Patrol Officer Darrell Diez and Patrol Officer Christopher Shackelford each with a Excellent Police Service Award Plaque and Pin and congratulated them for their outstanding initiative and dedication to the Village of Palm Springs. Mayor Davis added that it was guys like you that made Palm Springs such a great place to live.

8. Presentation of "Best Water in Florida" Award Plaque to the Village by Florida Rural Water Association

Tom Stirtzinger, State Circuit Rider for the Florida Rural Water Association introduced himself to the Council and stated his job was to visit all the water plants to meet and work with the hard working professional operators. It was obvious the investment that Palm Springs had made in their plants had paid off this year. Mr. Stirtzinger stated the Florida Rural Water Association had met in Daytona Beach for their 30th Annual Conference, with 30 entries in their Best Tasting Water Competition. The competition had 4 independent judges, 2 DEP Professionals and 2 Lab Analysis Professionals. Palm Springs was voted by all as the Best Tasting Water in Florida. This award automatically entered Palm Springs in their Great American Taste Off this Spring in Washington D.C. The Association would pay for two representatives to go to

this competition. Their Association has come close in other years, but were hoping for a first place prize this year.

Mr. Stirtzinger then congratulated Palm Springs and presented the First Prize Plaque to Mayor Davis and the Palm Springs Water Plants, who were represented by Public Service Director Bill Davis, Superintendent of Water Plants Don Ray, Pratt Plant Lead Operator Chris Kovacs and Main Plant Lead Operator John Rouse.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, suggested that the Village consider an alternative to eliminating the positions left unfilled with the new budget. The Village could use retirees, college students or disabled persons to fill these vacancies on a part time basis. Mr. Ready also suggested the Village consider using murals on Village buildings on the outside walls of Public Safety, Library, Leisure Services, Land Development and Water Utilities to depict the theme for each department.

David Kraftchak, 140 Yucatan Drive, stated that as the Chairman of the Lake Worth Franchise Review Committee, he had attended the Lake Worth Commission to speak on the rate hike being proposed for Lake Worth Electric. Mr. Kraftchak stated he had to wait 2 hours and 20 minutes just to be given 2 minutes time to speak. The item was at the end of the meeting and by that time the media had left and most of the residents. In response to Mr. Kraftchak's comments, the Mayor admitted that he did not like Lake Worth Electric either; but the City had several contract agreements with other sources to broker the electric power that were in effect for the next 3 to 7 years and there was no way to get out of them. The Lake Worth residents still present applauded Mr. Kraftchak's comments. Mr. Kraftchak stated he understood this was an uphill battle; however the Committee would continue to work and he hoped the Council would continue to give their support. Mayor Davis responded that there was no question, the Committee had the Council's support and maybe they would find the right angle this time to resolve this longstanding issue.

PUBLIC HEARINGS

This item will be continued to the October 8, 2009 agenda

9. RESOLUTION NO. 2009-70 (Site Plan for Storefronts at Congress)

This item will be continued to the October 8, 2009 agenda

10. RESOLUTION NO. 2009-71 (Site Plan for Lakeshore Center)

11. RESOLUTION NO. 2009-72 (SPECIAL EXCEPTION-QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING, WITH CONDITIONS, THE APPLICATION OF JOSE A. CARRANZA, AGENT AND TENANT OF THE OWNERS, FOUR

FLORIDA SHOPPING CENTER, FOR A SPECIAL EXCEPTION USE (PSSE 09-08) FOR A CHURCH TO BE LOCATED AT 3111 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 September 3, 2009. There were no ex parte communications disclosed. Manager Umberger advised the Council this shopping center was anchored by Winn Dixie on the northwest corner of Forest Hill Boulevard and Congress Avenue. The church proposed to occupy approximately 2,795 square feet. They would use the church Sunday, Monday, Thursday and Friday evenings and Sunday mornings. The church had also requested use for the last Saturday of the month in the evenings for fellowship and December 31 from 6pm to 12 midnight for worship. There were not proposing any other accessory uses or times. The services were proposed for typically non-peak business hours, therefore, parking should not have a significant impact on the center. The interior renovations requested would have to comply with the Florida Building Codes, including two exits from the tenant space, two-hour fire separation of the tenant space, a male and female handicap accessible bathroom, a service sink and a drinking fountain. Also, a life safety plan was required to be submitted to the Land Development Department. The Land Development Board had recommended approval of the request at their meeting on September 15, 2009.

Mayor Davis stated this was a public hearing and asked for questions from the Council and also from the public. Mayor Pro Tem Smith asked exactly where in the center the church would be located. Director Lowe responded it would be straight into the center next to Winn Dixie and left of the old futon store. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt was made by Mayor Pro Tem Smith and seconded by Council Member Gunther. Motion carried 4 – 0.

12. RESOLUTION NO. 2009-73 (PRELIMINARY PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY RE-PLAT OF A PORTION OF THE OXYGEN CENTER SUBDIVISION, 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 PARCEL 6 AND THE LAKE TRACT 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 this property was part of the Oxygen-Forest Hill Center plat approved in April of this year. However, subsequent to the

recording of the plat, Lake Worth Drainage District objected because of their chancery right-of-way and some encroaching easements. These encroachments only involve Parcel 6 and the Lake Tract; therefore, only these parcels are being re-platted. The Land Development Board recommend approval at their meeting on September 15, 2009.

Mayor Davis asked for questions or comments. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 4 – 0.

13. RESOLUTION NO. 2009-74 (FINAL PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL RE-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 this was the final plat for the preliminary re-plat of the portion of the Oxygen-Forest Hill Center that had previously been approved by Council. Mayor Davis asked for questions or comments. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Council Member Gunther and seconded by Mayor Pro Tem Smith. Motion carried 4 – 0.

This item will be continued to the October 8, 2009 agenda

14. RESOLUTION NO. 2009-75 (Special Exception-Calloway Home Daycare)

15. ORDINANCE NO. 2009-17 (SECOND HEARING)

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 2009/2010; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, CFO

Village Clerk Walton advised the Council that notice of public hearing for the ordinance was placed in the Lake Worth Herald on September 3 and September 10, 2009, and the Notice of Public Hearing and Budget Summary legal ads were placed in the Palm Beach Post on September 21, 2009. Village Attorney Torcivia read the

ordinance by title. Manager Umberger advised the Council that the operating millage rate would be established at \$3.5000 per \$1,000 of assessed valuation and the voted debt service millage rate would be established at \$0.7736 per \$1,000 of assessed valuation, for a total millage rate of \$4.2736. The operating millage rate of \$3.5000 was 37.77% less than the rolled back rate of \$5.6242. The operating millage rate would produce \$2,464,654 at 100% collection in ad valorem tax revenue for the General Fund and the voted debt service millage would produce \$546,844 at 100% collection in revenue to cover the debt service costs for the 2002 General Obligation Bonds.

Mayor Davis stated this was a public hearing and asked for questions from the Council and from the public. Mayor Pro Tem Smith asked CFO Morse what the collection rate was for the current fiscal year. CFO Morse replied that it was currently at 93%, but there had been an increase in delinquent collections and it was hoped the year would finish out a little higher.

Hearing no other comments, a motion to adopt on second reading was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. A roll call vote was in favor of adoption 4 – 0.

16. ORDINANCE NO. 2009-18 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, CFO

Village Clerk Walton advised the Council that notice of public hearing for the ordinance was placed in the Lake Worth Herald on September 3 and September 10, 2009, and the Notice of Public Hearing and Budget Summary legal ads were placed in the Palm Beach Post on September 21, 2009. Village Attorney Torcivia read the ordinance by title. Manager Umberger advised the Council that the budget would be established at \$25,890,153; comprise of the General Fund at \$11,541,807, the Debt Service Fund of \$524,940, and the Water and Sewer Enterprise Fund at \$13,823,406.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, a motion to adopt on second reading was made by Council Member Gunther and seconded by Vice Mayor Waller. Motion carried 4 – 0.

ADD: 16A. RESOLUTION NO. 2009-77

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 5 TO TASK ORDER NO. 97 FOR FINAL CONTRACT RECONCILIATION AND COSTS FOR

EXTRA DEPTH REQUIRED BY PALM BEACH COUNTY FOR GRAVITY SEWER, PUMP STATION AND FORCE MAIN ON CLEMENS STREET UTILITY SYSTEM IMPROVEMENTS, TO AKA SERVICES, INC., IN THE AMOUNT OF \$4,408.00; AND PROVIDING AN EFFECTIVE DATE.

Manager Umberger advised the Council that this modification would include the final contract reconciliation and additional costs for extra depth required due to Palm Beach County's requirements under Task Order No. 97 for the Gravity Sewer, Pump Station and Force Main on Clemens Street, which was previously approved by Council on March 27, 2008. Mayor Davis asked for questions from Council. Council Member Gunther asked what was different from Modification No. 3, which also approved additional costs for the extra depth required. Director Davis replied there was additional drainage needed on Todd Street for separation purposes.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt was made by Mayor Pro Tem Smith and seconded by Council Member Gunther. Motion carried 4 – 0.

REGULAR AGENDA – none scheduled

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller commented that she was sorry to see Team D did not stay because she wanted to thank them personally for their excellent work. Chief Pickens responded that they were unable to remain for the entire meeting because they were on duty tonight, but her would extend her thanks to them. Vice Mayor Waller also commented she was very proud of the Water Department and she was sure they would come home from Washington with a first place win.

Council Member Gunther commented that Fall has now begun and he was walking a lot more around the community. The vacant properties were looking good and kudos to the Public Works Department for that.

Mayor Pro Tem Smith commented that she was also proud of the Police Department. From experience, she understood how tough the job really was and just wanted them to know they were appreciated. Also, great water, and thought they had a good shot at Washington. Mayor Pro Tem Smith stated a resident had mentioned to her that the goalie baskets at Summer Street Park had been taken down because a neighbor had complained about balls coming into their yard. Director Golson responded that was correct and fencing had been looked into; however, it would have to be installed 12 feet above the berm to satisfy the neighbors' complaints and it was too costly to be considered in this budget year. Possibly in a future year when better times returned.

Manager Umberger stated that although Council Member Brinkman was not able to attend tonight, she had requested he address a time conflict that had arisen due to her new job duties. Council Member Brinkman would no longer be available on Tuesday evenings to attend the Land Development Board as the Council Liaison and asked if another member of the Council would switch their Board for this one. Mayor Davis volunteered. Mayor Davis would now be Council Liaison for Land Development Board and Joni Brinkman would now be the Council Liaison for Leisure Services Board.

Mayor Davis stated the police had been given a lot more problems to deal with in the annexed areas and tonight made him feel better knowing the police were still doing a fantastic job. Mayor Davis added that another award for the Water Department meant they were on a roll with the best tasting water and Washington would prove us right or at least second place.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor