

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MAY 13, 2010**

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 Doug Gunther, Council Member Joni Brinkman, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Deputy Village Clerk Jane Worth.

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 and Leisure Services Director Bill Golson.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Vice Mayor Bev Smith.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #8 will be continued to June 10, 2010 agenda
Item #11 will be pulled from the agenda
Add Item #13 Update on Village Legislation on Red Light Cameras

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

CONSENT AGENDA

1. Minutes of Regular Council Meeting on April 8, 2010
2. Budget Amendment for Public Safety in the amount of \$8,629.00 to recognize funds from the Palm Beach County \$12.50 Traffic Citations monies, to be used for the purchase of 2 handheld traffic citation computers for use by the Public Safety Department. Staff: Jay Pickens, Public Safety Director
3. RESOLUTION NO. 2010-27

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, OPPOSING SENATE BILL 372 AND HOUSE BILL 1607; AMENDING SECTION 180.191, FLORIDA STATUTES, WHICH EXEMPTS CITIES IN CERTAIN COUNTIES FROM CHARGING A WATER OR SEWER RATE SURCHARGE TO CONSUMERS LOCATED OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES WHO RECEIVE THE BENEFIT OF SUCH UTILITY SERVICES, PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Council Member Brinkman and seconded by Mayor Pro Tem Gunther. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

- 4. Mayor’s Proclamation for Municipal Clerk’s Week in Palm Springs
May 2 – 8, 2010

Mayor Davis read the proclamation thanking the Clerk and her staff for their continuing efforts and professionalism on behalf of the Village and presented the proclamation to the Deputy Clerk Jane Worth.

- 5. Mayor’s Proclamation for Public Works Week in Palm Springs
May 16 – 22, 2010.

Mayor Davis read the proclamation and called upon all citizens and civic organizations to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life and presented the proclamation to Public Service Director Bill Davis.

- 6. Mayor’s Proclamation for National Missing Children’s Day in Palm Springs
May 25, 2010

Mayor Davis read the proclamation which set a special day to remember those children who are missing, to give hope to their families and to encourage all individuals to take the time to help children stay safer and presented the proclamation to Police Chief Jay Pickens.

- 7. Joseph Fallon Scholarship Awards

Mayor Davis introduced Mr. and Mrs. Fallon and asked Mr. Fallon to assist him in presenting the awards. Manager Umberger advised the Council and audience that there were four scholarships being awarded in the amount of \$1,000 each. The members of the Scholarship Selection Committee were Council Member Patti Waller, Library Director Elena Romeo, Police Chief Jay Pickens, representing PAL, Paul Harding, Library Board member and Manager Umberger as Chairperson. This year’s winners were:

Alejandra C. Rodriguez, a student at G-Star School of the Arts, with plans to attend Boston University and Florida State University to major in Economics.

Taylor J. Barahona, a student at Lake Worth High School, with plans to attend the University of Florida and Duke University to major in English.

Luis R. Diaz, a student at John I. Leonard High School, with plans to attend Northwood University to major in Entertainment and Sports Management. Luis Diaz was unable to attend due to a conflict with the student awards event at John I. Leonard;

however, his sister, Vanessa Diaz, represented him in accepting his scholarship.

Janice S. Chon, a student at Suncoast High School, with plans to attend Pennsylvania State University, the University of Central Florida and the University of Massachusetts to major in Biology and Political Science.

Mayor Davis thanked the committee members and stated there were several good applicants and it was a difficult job to select the winners. Mr. Fallon thanked everyone on behalf of his wife and family and stated he continued to be surprised by the quality of the students that came before the Council to win awards in the name of their son, Joseph. Mr. Fallon commented that his son had really enjoyed his association with the Village, through working at the Library and sports through the Recreation Department. As a result of his passing, the good people on the Council and the Friends of the Library decided to honor their son with this scholarship. It was hard to imagine that this was the 14th year of awards. Past scholarship recipients have gone on to excellent careers in the military and in business, and they are now watching their children grow. Mr. Fallon congratulated the winners and wished them well in their future endeavors.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, stated over the past several years the trees have been depleted due to hurricanes, palm disease and citrus canker and wanted to know if there was an ordinance requiring homeowner's to replace these trees. Manager Umberger replied there was not a specific ordinance regarding replanting of trees; however, the Village followed the County ordinance. A recent Village program, based on a large donation of Christmas type palm trees, had given residents an opportunity to have these planted in the public portion swales of properties upon request. There was another possibility of a donation of coconut palm trees, and these would also be used to repopulate trees in the Village as well.

PUBLIC HEARINGS

This Item was continued to the June 10, 2010 agenda

- 8. RESOLUTION NO. 2010-26 (Variance – 7-Eleven Store)
- 9. ORDINANCE NO. 2010-06 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE EXECUTION OF A NATURAL GAS FRANCHISE AGREEMENT WITHIN THE VILLAGE OF PALM SPRINGS FOR FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the Village had adopted Ordinance No. 78-19 on October 26, 1978, approving a 30 year franchise agreement with Florida Public Utilities Company for sales of natural gas within the Village. This agreement had now expired. This new franchise agreement would be for an additional 30 years, expiring in May 2040. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt in first reading was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

10. Review of Temporary License Agreement – St. Luke's
Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this agreement was the result of the initiative of Land Development Director Lowe for MedVance Institute, a medical training facility that is located in the office complex adjacent to Greenwood Shopping Plaza. Because Greenwood Plaza is a heavy traffic center and doctor's offices in the building were having parking problems with elderly patients access, an alternate parking area was needed. Director Lowe was able to negotiate an agreement with St. Luke's Church, even though the site is a small distance away. MedVance was looking for alternate sites for their training school and the Village was working with them on this. Council consensus was in favor of the agreement.

This item was pulled form the agenda

11. Review of Temporary License Agreement – Sil's Transmission
Staff: Bette Lowe, Land Development Director

12. Manager's Evaluation and Contract Renewal

Manager Umberger had provided a letter to the Council and stated the letter would stand for his comments. Mayor Davis asked for comments from the Council.

Council Member Brinkman stated she was very happy with the Manager's dedication and service to the Village and appreciated his offer to forgo a salary increase due to the financial restraints all cities will be going through this coming fiscal year.

Mayor Pro Tem Gunther stated the Village was very fortunate to have Manager Umberger and was looking forward to another two years working with him.

Vice Mayor Smith was in agreement that the Village was fortunate to have Manager Umberger. Manager Umberger was very pro-active and his efforts on annexation, the new Village complex, and development in the Village, have all been a result of his foresight. All your hard work is appreciated.

Council Member Waller stated she had spoken to Manager Umberger earlier today and had no problem repeating her praise of his dedication and efforts on behalf of the Village.

Mayor Davis stated he had enjoyed Karl as a Manager for a number of years. There would be another difficult budget year ahead, and Manager Umberger was the kind of Manager that stepped up to the plate and doesn't feel he should feel any less pain than the employees by forgoing his salary increase. The Village was looking at a potential 20% drop in property valuation; which, in essence, would mean that in the last almost four years, the Village has lost almost \$500 million dollars in property valuation. It's tough to keep coming up with the kind of services that are provided on a regular basis when you take that kind of financial hit. The Council, Manager Umberger and CFO Morse have always been very conservative during budget cycles in the past and that has saved the Village up to now. This year is going to be a real test for the Village. Sooner or later the tide has to turn for the economic picture for Southeast Florida. Mayor Davis stated he was very pleased with Manager Umberger's performance and service to the Village.

ADD

13. Update on Village Legislation on Red Light Cameras

Manager Umberger advised the Council that it was still uncertain whether the Governor would or would not sign the bill into law. The Aventura lawsuit was in the Court of Appeals. There were six class action suits, mostly in the South Florida region, and if the bill was passed into law, these would all go away. If understood correctly, the fee would be raised to \$155 and the State, or Department of Transportation, would get the largest portion. The contract with ATS would have to be re-negotiated and brought back to Council. At that time, the Council would decide if the Village would go forward with the program. Through the Village Attorney, the Village had negotiated a sixty day extension to the existing contract, which should expire around June 30, 2010. This would give the Village sufficient time to get more information on what is being done on the State level. There were four cameras in the Village, but no warnings or citations are being issued at the present time.

Council Member Waller stated she had noticed that people are being a little more cautious at the intersections where the cameras are. They are not trying to run the lights as much, which is a good thing and hopefully will continue.

Mayor Davis stated he didn't get on the pulpit often, but he occasionally did; and specifically on this subject a few meetings ago. There is a lot of press on this subject about it being a money grab by municipalities. Mayor Davis stated he was not naïve enough to believe that it wasn't at some municipalities. Mayor Davis had always felt it was a matter of safety, from his perspective, and from the perspective of the Village in dealing with the intersections along Congress Avenue and Forest Hill Boulevard. Very simply, you entrust a 3,000 lb. vehicle to people through a licensing program by the State of Florida. When that vehicle is running a red light, you run the risk of killing a lot of people. After being around a few years, Mayor Davis stated he realized the way you get people's

attention is when you get into their pocketbook. When you get into their back pocket, all of a sudden they seem to get the point. That was why Mayor Davis was all for it. The State, in its infinite wisdom, had now decided to pass legislation to approve red light cameras in the State of Florida, and has decided to take the lion's share of the money for doing nothing. That's State Government at work. Mayor Davis stated that he personally still has no problem with that because he still felt it was an issue of public safety on the streets. A lot of people said it would create more rear end collisions. Well, if you adhere to the posted speed limit, if you adhere to staying behind the appropriate distance to the vehicle in front of you and if you don't anticipate that the vehicle in front of you will run the red light, you won't rear end them. It was pretty simple. People want to make more of this than what it is. It's an issue of safety for the driving public. If you look at the traffic that's out there on the streets today, on the secondary and primary roadways, there are a lot of crazy people doing crazy things. Mayor Davis stated he didn't care who got the money, because cutting down on traffic accidents was the goal, which in turn cuts down in insurance premiums.

VILLAGE COUNCIL COMMENTS

Council Member Waller stated it was a pleasure to serve on the scholarship committee. This year's academics were outstanding and Council Member Waller was in awe of the grade averages. Council Member Waller hoped that all the award winners would obtain their education and career choices and come back to visit the Council in the future.

Vice Mayor Smith congratulated the scholarship winners and commented on the exciting experiences that were in their futures. Vice Mayor Smith added that she hoped some of them would come back to work and live in Palm Beach County because their expertise would be needed. Vice Mayor Smith also commented that the picnic had been wonderful and the bottle tree was very beautiful.

Mayor Pro Tem Gunther asked the Public Service Director if the section of road on Greenbrier that had been cut out was re-paved yet. Director Davis responded that he was getting a contractor lined up and waiting for Palm Beach County Traffic to take care of the traffic loop at the end. Greenbrier would then be paved from Davis Road all the way to Congress Avenue. Mayor Pro Tem Gunther also congratulated the scholarship recipients.

Council Member Brinkman also congratulated the scholarship recipients and it was nice of them to all stay for the entire meeting and hopefully learned a few things about government. Council Member Brinkman asked if there was not some regulation whereby a license or permit was required in order to do tree trimming in the Village. Director Lowe responded that an occupational license was required. Manager Umberger also added that there was an ordinance with regard to hat wracking of trees. Council Member Brinkman stated that she had seen some of this recently in the Village. Manager Umberger responded that this was most likely the weekend cutters that avoid the Code Enforcement Officers and the neighbors don't call this in. Council Member Brinkman suggested that something go into the newsletters advising residents of the proper trimming

procedures and licensing requirements.

Council Member Brinkman also stated that she had been attending for the past two years all the County URA meetings in preparation for their upcoming property regulation amendments. The County was near completion of these regulations and was also planning to adopt a county initiated rezoning ordinance for all the properties in these URA corridors that have had their land use changed recently. There is a public meeting scheduled at the Vista Center on May 25, 2010 from 6:30 to 8 pm. There would be a meeting of the Land Development Regulations Advisory Board on May 26, 2010; and then another meeting prior to the first reading of the rezoning ordinance. Then there would be two readings before the Board of County Commissioners. Council Member Brinkman stated she would keep up to date on this, and was aware Land Development Director Lowe was also keeping up with this matter. These changes would have a huge impact on development along the corridors within the Village. Manager Umberger added that he would hand out a schedule of all the meetings

Mayor Davis added that whichever scholarship recipient was headed to Penn State, he hoped they enjoyed the cold. Mayor Daviis' nephew lived at the College and it was definitely nippy up there, but they do have a good football team. Mayor Davis announced the next scheduled Council Meeting would be on June 10, 2010, at 7:30 pm.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Village Clerk

Approved by Council_____

Mayor