

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, OCTOBER 14, 2010**

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

Vice Mayor Bev Smith called the regular meeting of the Village Council to order at 7:30 p.m.

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

Staff present were Public Safety Capt. Mark Hall, 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 Council Member Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: #9 will be continued to the November 18, 2010 agenda

A motion to accept the agenda as revised was made by Council Member Waller and seconded by Mayor Pro Tem Gunther. Motion carried 3 – 0.

CONSENT AGENDA

1. Minutes of Local Planning Agency Meeting on September 23, 2010
2. Minutes of Regular Council Meeting on September 23, 2010
3. Approval of Task Order 111 Construction Services to Eckler Engineering, Inc.
Staff: Bill Davis, Public Service Director
4. Approval of Task Order 112 Construction Services to Eckler Engineering, Inc.
Staff: Bill Davis, Public Service Director
5. RESOLUTION NO. 2010-55

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT UNDER TASK ORDER NO. 112 WITH AKA SERVICES, INC., FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS, IN THE AMOUNT OF \$316,989 FOR LINDA LANE AND THE AMOUNT OF \$116,626 FOR LUZON

AVENUE, FOR A TOTAL AMOUNT OF \$433,615; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. Motion carried 3 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

6. Mayor's Proclamation for City Government Week – October 17 – 23, 2010
And Announcement of 5th Grade Students Essay Contest

Vice Mayor Smith read the proclamation announcing the week of Oct. 17 – 23, 2010 as City Government Week in Palm Springs and stated this was a very important opportunity to spread the word to all citizens that they can shape and influence their branch of government which is closest to the people. The Village would be participating in an educational partnership with the local elementary school 5th grade students with an essay contest highlighting our Village government services.

7. Mayor's Proclamation for Lights on Afterschool Day – October 21, 2010

Vice Mayor Smith read the proclamation stating the Village and its residents stand firmly committed to quality afterschool programs and opportunities and the critical importance of these programs since many afterschool programs across the country are facing funding shortfalls so severe they are being forced to close their doors and turn off the lights.

8. Mayor's Proclamation for White Cane Safety Day – October 29, 2010
And Announcement of Public Safety Event

Vice Mayor Smith read the proclamation and reminded all citizens that the law required that motorists exercise appropriate caution when approaching a blind person carrying a white cane, or being led by a guide dog. Palm Springs Police Dept. would be participating in a demonstration showing the difficulty of crossing streets for blind citizens and to make the vehicle traffic aware of the White Cane Law.

PUBLIC COMMENT

Elizabeth Shields, 2111 Prairie Road, stated that in some states where she has traveled, the crossing signs have the addition of sound for blind people and was wondering if this was available in Palm Springs. Capt. Hall responded that the Village did not presently have this option, but he would research the availability and costs.

PUBLIC HEARINGS**This item was continued to the November 18th agenda**

9. ORDINANCE NO. 2010-17 (SECOND READING – ANNEXATION MARLBORO COURT MOBILE HOME)

10. ORDINANCE NO. 2010-26 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 78, UTILITIES, ARTICLE II, WATER AND WASTEWATER SYSTEM, DIVISION 1, GENERALLY, AND DIVISION 4, BACKFLOW PREVENTION DEVICES; PROVIDING DEFINITIONS; PROVIDING SPECIAL ASSESSMENT LIENS FOR DELINQUENT CHARGES AND FEES; CREATING A NEW CROSS CONNECTION CONTROL PROGRAM; PROVIDING FOR A PURPOSE; PROVIDING FOR A CROSS CONNECTION CONTROL MANUAL; PROVIDING FOR INSTALLATION LOCATIONS, EXPENSE, INSPECTION AND ENTRY; PROHIBITING CROSS CONNECTIONS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING AN INTERPRETATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 30, 2010. Village Attorney Torcivia read the ordinance by title. Vice Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Council Member Waller and seconded by Mayor Pro Tem Gunther. A roll call vote was in favor of adoption 3 – 0.

11. ORDINANCE NO. 2010-27 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE VILLAGE OF PALM SPRINGS, FLORIDA; MODIFYING RATES AND CHARGES FOR WATER AND WASTEWATER SERVICES WITHIN THE VILLAGE AS WELL AS OUTSIDE THE VILLAGE FOR FISCAL YEARS 2010-2014 BY ADDING A CROSS CONNECTION CONTROL PROGRAM FEE AND A 2" AND 3" FIRE LINE PROTECTION SERVICE CHARGE AND INCREASING THE MINIMUM DEPOSIT REQUIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Staff: Bill Davis, Public Service Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 30, 2010. Village Attorney Torcivia read the

ordinance by title. Vice Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no comments, a motion to adopt on second reading was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. A roll call vote was in favor of adoption 3 – 0.

12. RESOLUTION NO. 2010-54 (HOURS OF OPERATION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE APPLICATION OF AMIGOS II MEXICAN & SPANISH RESTAURANT, LOCATED AT 1771 SOUTH CONGRESS AVENUE, FOR A WAIVER FROM THE VILLAGE CODE AT CHAPTER 34 "LAND DEVELOPMENT", SECTION 34-891(1) AND (2) "HOURS OF OPERATION", TO EXTEND THE HOURS OF OPERATION UNTIL 4:00 A.M. ON FRIDAY AND SATURDAY NIGHTS TO ALLOW THE RESTAURANT TO HAVE MUSIC/DANCE/KARAOKE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the existing restaurant had current operating hours from 11am to 10pm weekdays and 11am to 11pm on Friday and Saturday. They were now requesting to expand the hours to 4am on Fridays and Saturdays because they were adding music and dancing, with either live Mariachi groups or a disc jockey. The current ordinance restricted the closing time to 2am. Staff did not believe a 4am closing time was appropriate for a family oriented restaurant that served alcohol, and therefore would recommend against approval. Mr. Onelio Delgado, owner of Amigos Restaurants, stated when he had come in for his remodeling permits in March, he had received paperwork from the Land Development Department that stated he was allowed to stay open until 4am, He had remodeled his restaurant for a family style entertainment addition based on those plans and didn't understand why he was now being told it was only 2am. Director Lowe responded that the Code had been revised since March and since his restaurant did not qualify as a bar, he would be treated to the guidelines of the new ordinance unless the Village Attorney thought he could be grandfathered in. Village Attorney Torcivia stated that since he had never kept his restaurant open until 4am when it was in the Code, he could not be grandfathered in with those hours now. After discussion by the Council, it was the unanimous consensus to concur with Staff that a family oriented establishment should not be open until 4am. Hearing no further comments from the Council or from the public, a motion to adopt the resolution, but denying the request for extended hours, was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. Village Attorney Torcivia read the resolution by title including the denial determination. Motion carried 3 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

13. Review and Renewal of Attorney's Contract
Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that Glen Torcivia and Associates had been providing legal services for the Village since 2007 and their one year contract was up for renewal, effective November 8, 2010 through November 7, 2011. The Council commented that they enjoyed working with Glen and his Staff and thanked him for not changing his rates during these economic times. Village Attorney Torcivia responded that his Firm also enjoyed very much working with the Village and Staff. A motion to renew the contract for an additional year was made by Council Member Waller and seconded by Mayor Pro Tem Gunther. Motion carried 3 – 0.

14. Approval of Council Meeting Schedule for November and December 2010
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that due to quorum conflicts on the normal second Thursday meeting nights and holidays falling on Thursdays in the latter part of November and December, it was requested that the Council Meetings be scheduled for November 18 and December 16, the third Thursdays. The Charter and Code of Ordinances of the Village required only that the Council hold at least one meeting per month. A motion to approved the revised meeting schedule was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. Motion carried 3 – 0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Gunther asked how soccer and flag football were doing. Director Golson responded that soccer had a few more weeks to the schedule, and was going very well. Flag football was in preliminary sign ups now. Mayor Pro Tem Gunther also added that he and his wife are out walking now that the weather had cooled a bit and even though these were tough times, the Village was really looking good.

Vice Mayor Smith stated it was good to see Director Morse back again, and asked about the plans for the Halloween event on Saturday. Director Golson stated since it was the day before Halloween, they would increase the venue and possible have the costume contest include older children and adults. Capt. Hall stated the police department would have four additional officers on duty for the Sunday night Halloween trick or treating time frame.

ADJOURNMENT

Hearing no further business, Vice Mayor Smith adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor