

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, AUGUST 9, 2007**

**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 Karen E. Roselli, and Village Clerk Virginia M. Walton.

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 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 .

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Item #8 is continued to August 23, 2007 agenda

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

**CONSENT AGENDA**

- 1. Minutes of Budget Workshop on July 21, 2007**
- 2. Minutes of Regular Council Meeting on July 26, 2007**
- 3. Leisure Services Budget Amendment to recognize donations in the amount of \$1,754 for recreational programming and the Village's 50<sup>th</sup> Anniversary celebration.**
- 4. Leisure Services Budget Amendment to transfer \$5,000 from Council Contingency to Repair and Maintenance for balance of funds owed for clearing of Lillian Road Park.**
- 5. Leisure Services Budget Amendment to acknowledge actual monies received in the amount of \$13,500 and expenditures made in an equal amount for Village ball field complex improvements.**
- 6. RESOLUTION NO. 2007-54 (AWARD BID)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR CONSTRUCTION OF WELLS 18 AND 19 FOR THE EASTERN WELLFIELD IMPROVEMENTS TO AKA SERVICES, INC., OF WEST PALM BEACH, FLORIDA, IN THE AMOUNT OF \$788,122.50; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**7. RESOLUTION NO. 2007-55 (AGREEMENT)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH C & C LOADER SERVICES, INC. TO PROVIDE STORM-RELATED DEBRIS REMOVAL SERVICE IN THE VILLAGE FOR THE 2007 HURRICANE SEASON; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

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

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS**

This item will be continued to the August 23, 2007 agenda

**8. RESOLUTION NO. 2007-48 (SITE PLAN SPR07-11 BUENA VISTA COMMERCE CENTER – 2<sup>ND</sup> AVE AND DAVIS ROAD)**

**9. RESOLUTION NO. 2007-50 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CARLOS GONZALEZ, AGENT FOR THE OWNER, VILLAGE OF PALM SPRINGS, FOR SITE PLAN (SPR 07-13) FOR CONSTRUCTION OF A 7,000 SQUARE FOOT UTILITIES MAINTENANCE BUILDING ON .85 ACRES, LOCATED ON THE EAST SIDE OF KIRK ROAD ONE HALF MILE NORTH OF 10<sup>TH</sup> AVENUE NORTH; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on June 28, 2007. There were no ex parte communications disclosed. The Applicant was not present and no one was sworn in to give testimony. Manager Umberger advised the Council the site plan had been previously approved by Resolution No. 2005-40 on June 9, 2005; however, the Applicant had failed to complete the site plan in the required time period. The only significant revision to the original plan

was a request to permit a six foot high perimeter wall in lieu of the previously approved either foot wall. Cost was the factor for this request. The Applicant was also requesting a waiver to permit a ten foot setback along the north property line with a five foot buffer adjacent to residential zoning. The Land Development Board had recommended approval, subject to conditions in Exhibit "A", at their meeting on July 10, 2007. Staff had no objections to the Applicant's requests. Hearing no comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments form the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan, subject to conditions in Exhibit "A", was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 5 – 0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

#### **10. Follow Up Discussion on Palm Beach County Urban Redevelopment Area TCEA** Staff: Karl E. Umberger, Village Manager

Patrick Rudder and Bryan Davis, from Palm Beach County Planning Department, came to update the Council on the progress of the Urban Redevelopment Area TCEA since the presentation at the Council Workshop with Commissioners Koons and Newell. Manager Umberger explained a letter from Commissioner Koons had been received requesting another workshop; however, Mr. Rudder and Mr. Davis were present tonight in lieu of that workshop to answer any further questions necessary. Manager Umberger stated that Director Lowe had met and spoken with the County several times since the Workshop.

Mr. Rudder advised the Council that the County Commission had planned to transmit the County Comp Plan Amendment and Master Plan to DCA late in the Fall. They were presenting addressing objection comments from DCA on the development corridors from Southern to Forest Hill Boulevard. They expected this process to take approximately one and one-half years.

Mayor Pro Tem Brinkman has several questions. The first question was on the subject of workforce housing and would there be an option for municipalities, particularly Palm Springs, to adopt the County standards only if the TCEA mandated the requirement on this project. Mr. Rudder replied the County recognized that they could not ask the cities to adopt the exact same standards as the County. The County would ask that the cities tell them what each city planned to do about the housing issue. Mayor Pro Tem Brinkman stated it appeared that the TCEA had re-defined where the URA would be applied and had added a portion of Forest Hill Boulevard since the plan was last seen; and also asked how far east did the plan go on the north side of Military. Mr. Davis replied that the TCRPC had included Forest Hill Boulevard to make all four corners compatible; and the plan went about 100 feet east of the property by Syms

Plaza.

Mayor Davis asked Mr. Davis what was the County's definition of work force housing. Mr. Davis replied that the County considered work force housing as between 60-100% of County Median Income. The price of that housing would be \$164,000 to \$304,000.

Council Member Waller responded that was wonderful because all of Palm Springs already met that criteria. Council Member Waller asked what the outcome would be if the Village chose not to abide by TCEA and did our own study. Mr. Rudder replied the TCEA was purely optional and the County would not hold it against the Village. Council Member Waller responded that was not what had been conveyed to the Council from Commissioner Koons.

Mayor Pro Tem Brinkman tried to clarify that what the Council was asking the County was if the Village was ahead of the County plan or if the Village came up with a vision that the County felt was not in accordance with what the County planned through their URA; however, the intensity of the Village's plan would require a TCEA or a CRAWLS, would the County still grant the TCEA or CRAWLS to the Village's plan. Mr. Rudder responded that he could not give a definitive answer because he has not seen a plan from the Village; however, he strongly encouraged the Village to come forward with either an agreement with the URA plan or a separate master plan for this area.

Council Member Osborne asked if the currently rising foreclosures in the County would impact the work force housing issue. Mr. Rudder stated it would.

Vice Mayor Smith asked if she understood correctly that the Village had the option to "opt in or opt out" of the URA plan. Mr. Rudder responded that was correct. Vice Mayor Smith asked for a clarification that the plan was to bring mixed use for this entire area. Mr. Davis responded that they had brought Treasure Coast Regional Planning in to bring a conceptual idea of what would work best for this area and created a trip reduction plan for the corridor roads. Planning for a large corridor area, rather than smaller individual plots of land, was thought to be a better planning concept. Mixed use was encouraged for these areas, but they were not mandatory. Vice Mayor Smith stated that during her experience with the Design Center project they were looking for "work centers" and retail was not a good option. Mr. Rudder agreed; but stated the mixed use concept to include work force housing near commercial was to encourage housing to keep police, firefighters, nurses, teachers, etc. in the area, rather than HUD housing or Section 8 housing, which had negative connotations.

Mayor Davis asked Director Lowe if she had any comments. Director Lowe stated she did and the Council had touched on some of them. Director Lowe stated she felt the plan was moving too quickly. The large scale conceptual plan was not the issue, but rather the details of implementing the plan were the problem, since details had not been worked out as yet. The TCEA and CRAWLS were major details. Director

Lowe stated she had asked and been told unequivocally by Mr. Rudder, Mr. Davis and Mr. Thompson that if the Village did not meet the County's standards, the Village would not be granted a CRAWLS and would not be able to use the TCEA; however, there are no regulations in place to know what the standards are that need to be met. The other details not being addressed are connectivity, affordable housing and drainage. Until these details and standards are worked out, what will the County use to determine if our development met the standards. Also, this lack of standards would discourage annexation in these corridors, and the Village had been very successful with annexation, but was not finished yet.

Director Lowe stated she had attended the County Transmittal Meeting and voiced her concerns to Commissioner Koons and Barbara Alterman; and she had been assured that coordination with the Village would continue. Director Lowe had also attended a Drainage Meeting where Ken Todd had spoken mostly about State issues and concerns regarding drainage and storm water utility, but they were not specifically involved in the URA. There were huge concerns whether this could even be worked out and it would take years. The Village had started the drainage issue with the County on Lake Worth Road, and after a year and a half some progress had been made; then the plug had been pulled on the project. Director Lowe also stated she had concerns that the Council's zoning authority was being usurped and we were "backing up ten spaces".

Mayor Davis responded that if it was the Council's consensus, they could have Director Lowe compose a letter for the Mayor's signature putting all these concerns in writing as objections to the County's URA plan and see how they respond. Council Member Osborne responded that he agreed because we all needed to be "on the same page" and it appeared right now we were not. Mayor Davis stated he had spoken to Commissioner Koons after the last workshop. When the County spoke about the range for work force housing, it was clear the Village did not have to achieve work force housing standards, because the Village was entirely work force housing. There were ways of looking at issues, and it didn't take Doctorate Degrees to sit on the Council and deal with issues; it just took common sense.

Director Lowe was directed to prepare the letter voicing the concerns of the Village to the URA plan; and after review by the Mayor and the Village Manager, forward to the County for response. Mayor Davis also suggested Director Lowe put in the letter what the Village felt was a reasonable time frame for addressing this plan. Mayor Davis stated he understood the concerns of Commissioner Koons to get the Village onboard before the DCA meeting; however, it was clear the Village had not been privy to everything that had gone on and the timeframe set by the County was in their best interests, not the Village's interests.

Mayor Davis advised Mr. Rudder and Mr. Davis that they would be receiving the letter next week voicing the concerns of the Village and the Village would await a response. Mayor Davis stated the Village was willing to work with the County and he

was sure the County was willing to work with the Village. Mayor Davis stated when the County received the letter they could look at our concerns and let us know how they would like to deal with it. If that meant delaying the August 27<sup>th</sup> meeting and work with our concerns, so be it; if it meant an additional workshop or additional item on our agenda, so be it; if the County wanted to ignore the letter and move forward, so be it; or if the County wanted to disagree with the letter, so be it. Manager Umberger also added that the Village could, as an option, notify DCA of their objections. Mayor Davis responded the DCA could be forwarded a copy of the letter going to the County.

Mayor Pro Tem Brinkman asked Director Lowe if she had reviewed the ORK Report to see if there was anything the Village needed to be aware of. Director Lowe stated she had not, but would do so if Mayor Pro Tem Brinkman was able to obtain a copy. Mayor Davis thanked Mr. Rudder and Mr. Davis and stated they would be receiving the letter shortly.

## **VILLAGE COUNCIL COMMENTS**

(Mayor Pro Tem Brinkman excused herself from the meeting at 8:11 p.m. due to a family matter)

Council Member Osborne stated he was concerned that we were losing out on water revenue because some construction projects had been approved two years ago, the lines had been put in and then the projects were not being built. Reo Lane was a particular concern, since the site is now looking very bad. Manager Umberger explained the site on the left side of Reo Lane was in for permitting now. The overgrown lot on the same side of the street had not been platted yet. The other project had some problems because of the housing market. The homes they had originally proposed were too high priced and were not marketable right now. The owners had submitted a revised plan with more affordable priced homes and this new site plan would be on the next Land Development Board Meeting and then to Council. Director Lowe added that the applicant wanted the option of building the larger homes, if the market moved up again. Council Member Osborne stated that was the not Village's problem and the Applicant should have come forward with a solution sooner than this. The Village had invested a great deal of money installing the water & sewer lines and there was no return on this investment. Council Member Osborne suggested a timeframe should be put in the site plan approval for start of construction deadline. Director Lowe replied that we hold them to a completion date, but not a start date. Council Member Osborne suggested a Surety Bond as an option. In previous years the Village had also required the builders to put money in escrow to assure a timely completion.

Mayor Davis responded the Council could make any condition they wished, but it might not bring the type of response that was wanted. However, if the Village was to continue to be builder friendly, then the Council needed to meet the builders half way. Mayor Davis asked if the Village had received the capital contribution for the water line

installation. Manager Umberger responded that the front footage fees had been waived in the annexation agreement for these parcels, and the capital contributions would be collected when the houses were built and sold. Mayor Davis responded that Council Member Osborne had a good point; and in the future, the Village should come up with “something”, and the something was not as yet defined, that would encourage these builders to get their projects started and completed in a more timely fashion. There can be a solution, but it needed to be a happy medium. Director Lowe was directed to look into this.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:21 p.m.

Respectfully submitted,

---

Village Clerk

Approved by Council \_\_\_\_\_

---

Mayor