

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, FEBRUARY 22, 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 Patti Waller, Mayor ProTem Bev Smith, Council Member Chet Osborne, Council Member Joni Brinkman, 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, Public Service Director Bill 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 Chet Osborne.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

A motion to accept the agenda as presented was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 5 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on February 8, 2007

2. RESOLUTION NO. 2007-10 (EASEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FROM VENANCIO LOPEZ, AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

3. RESOLUTION NO. 2007-12 (AGREEMENT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND THE VILLAGE CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF PALM SPRINGS AND THE TOWN OF LAKE CLARKE SHORES FOR THE PURPOSE OF PROVIDING VOLUNTARY SPECIAL DUTY LAW ENFORCEMENT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

4. Public Safety Forfeiture Expenditure in the amount of \$14,039.00 for purchase of ten (10) Glock Model 22 .40 caliber service pistols, eight (8)

Tasers with cartridges and forty (40) SureFire Model G2Z Tactical Flashlight with belt holders.

5. RESOLUTION NO. 2007-13 (EASEMENTS)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING THE RIGHT-OF-WAYS AND UTILITY EASEMENTS IN ST. GEORGE LANDSING FOR THE PURPOSES AND USES FOR WHICH THEY WERE DEDICATED; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

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

ANNOUNCEMENTS AND PROCLAMATIONS - None

PUBLIC COMMENT - None

PUBLIC HEARINGS

6. RESOLUTION NO. 2007-06 (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 GONZALEZ-MUSIBAY CONSTRUCTORS AND LAND DEVELOPERS LLC, FOR SITE PLAN (SPR 07-02) AND A SPECIAL EXCEPTION USE (PSSE 07-01) FOR CONSTRUCTION OF A 29,130 SQUARE FOOT COMMERCE PARK, CONSISTING OF 5,000 SQUIRE FEET OF RETAIL SPACE AND 24,130 SQUARE FEET OF FLEX-UNIT SPACE, ON 1.63 ACRES, LOCATED ON THE NORTH SIDE OF LAKE WORTH ROAD 1500 FEET WEST FROM THE INTERSECTION OF SOUTH CONGRESS AVENUE AND LAKE WORTH ROAD; 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 February 2, 2007. Carlos Gonzalez was sworn in to give testimony. Manager Umberger stated Director Lowe was not present tonight, but her comments and conditions were noted on Exhibit "A".

Carlos Gonzalez testified that he had met with Director Lowe after the Land Development Board Meeting and prior to this Council Meeting and he felt that his revised plans reflected all the changes requested. He reviewed the items on Exhibit A that were revised. It was noted that the acres should be revised to reflect 1.59 acres net and 1.63 acres gross; in item #9, Mr. Gonzalez stated the traffic study was in

compliance, but the actual acceptance letter had not been received yet; in item #16, the photometric plan had been revised and re-submitted; in item #20, Mr. Gonzalez stated he had dedicated his five foot easement and the adjacent owners had agreed to dedicate theirs; however, there was a problem with the County finding the easement as it was microfilmed and needed researching since it was not sure if the easement was there by occupation or by actual dedication; in item #34, there were now two bicycle racks in the plan; in item #22, revisions had been made for additional dumpsters and recycling; in item #45, Mr. Gonzalez stated it was his understanding from the Land Development Board that they wanted body shop or mechanical work of any kind prohibited, but companies such as alarm companies and window tinting companies would be allowed; however this item was written to restrict all. With regard to item #6, Mr. Gonzalez stated that he had agreed to limit retail space to spaces 100 and 101, which totaled 2984 square feet gross area; however, he had spoken to Director Lowe about the possibility of coming back for an amendment, should a tenant request, for retail not to exceed 5,000 square feet. Mr. Gonzalez requested that the resolution and site plan be approved with the language "not to exceed 5,000 square feet" at this time, even though he was planning to build only 2984 square feet at this time. The traffic study had been submitted for the 5,000 square feet of retail.

In response to questions from the Council, Mr. Gonzalez replied that the elevation and foundation plants on the north and south side would be as shown in the picture, not as noted on the landscaping plan. Also the east façade would not be a blank wall, but Director Lowe had requested additional accents of the maroon color shown on the front facing. Mr. Gonzalez stated that the BellSouth and FP&L lines would be underground and the reduced parking had been agreed to by Director Lowe since he had reduced his retail space. It was brought out that the Land Development Board's intention, with regard to any tenant which worked on a vehicle, would only be allowed to have as many cars as could be brought inside their space and no storage or parking on the outside. Mr. Gonzalez agreed, and the Council felt this should be added to the conditions.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title, with the change to note 1.59 acres net, or 1.69 acres gross. A motion to approve the resolution and site plan, subject to confirmation from Land Development Director Lowe that the revised items had been completed and a new Exhibit "A" to reflect comments and changes noted tonight was made by Council Member Osborne and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

7. ORDINANCE NO. 2007-05 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .81 ACRES OWNED BY MICHAEL W. AND MELANIE E. SAVIDGE; LOCATED AT 3767 LAKE WORTH ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) 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 stated that notice of public hearing was placed in the Lake Worth Herald on January 11 and January 18, 2007. Village Attorney Roselli read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Council Member Brinkman and seconded by Vice Mayor Waller. A roll call vote was in favor of adoption 5 - 0.

REGULAR AGENDA

ACTIONS AND REPORTS

8. Update on Current Water/Sewer Issues by Don Eckler, Village Engineer

Don Eckler stated last Thursday the South Florida Water Management District passed a bill that significantly curtailed the flow of water from our aquifers. This project would affect Palm Beach County and Broward and Dade Counties. It would be a \$6 billion dollars cost to utilities to find alternate water supplies. The Village was making progress getting adequate water supplies for the Village. This would be about water supply planning tonight and the 10 year master plan would be forthcoming in the next few weeks.

The Village currently obtained water from fifteen shallow wells of about 150 feet, located throughout the Village. The Village's 2006 average daily demand for water was approximately 4.6 million gallons, which was approximately 112 gallons per person/per day. This was a very low number compared to many other utilities companies. The water plants are capable of 10 million gallons per day; however, our current permit is for 5.76 million gallons per day. Part of the reason was the change from the planned membrane softening to the Myex System, which saved the 15% water throwaway ratio.

Although we are already lower than the Water Management's goal of 150 gallons per person/per day; they Water Management District has been hesitant to give the Village credit for that savings. We are presenting in the process of renewing our permit and were requesting 5.63 million gallons per day and 6.20 million gallons per day maximum.

The 2005 Legislation enacted for water protection and sustainability was designed to have cooperation between municipalities, counties and the five water management district to develop alternative water supplies. The suggested alternative water supplies would come from processing of saltwater and brackish water; surface water capture predominately during wet weather flows; sources made available through the addition of new storage capacity; reclaimed water; storm water; and any other source designated as nontraditional. The Village had no facilities available for any of these alternative water sources and we sent all reclaimed water to West Palm Beach. Although the Water Management District was offering to fund up to 40% of the construction costs of alternative water systems; however, there was no guarantee that you would get that much.

The Water District was trying to reduce the finished water demands of the Village to the April 2005-March 2006 levels, which would limit the Village to 4.49 million gallons per day. The Water District's suggestion for finding alternative water for the Village was to purchase water from Palm Beach County. This was not a good choice for the Village.

The plan for negotiations with the Water Management District was first and foremost to gain credit for the 15% water savings already in place by the Village by use of the Myex system. Another plan would be to develop a memorandum of understanding of what can we do, when can we do it and what credits would we get if we do it. We might need to do model aquifer with intent to show no impact on the "resource". Another plan might be if the Village could show that we could supply water to our residents without having an impact on the Everglades. There is presently a water loss because of old leaking pipes, which might be replaced and show that savings in water flow. The goal was to avoid the traditional alternative water supply projects, as they would be extremely costly to the Village.

Mayor Davis asked when the Water Management District planned to "drop the hammer" on the water suppliers. Mr. Eckler replied that the District stated when you needed the water, you needed to have the alternative source in place for the approximately one million gallons needed. Since we were presently in the process of renewing our permit, the District would most likely give us the permit for what we needed now, but it would be a five year permit and our alternative source would have to be in place before the expiration of the permit; so the Village had five years approximately to plan the costs involved in the program. Council Member Osborne asked if the Village would be limited on the number of wells. Mr. Eckler replied they

would not limit the number of wells; but would limit the amount taken from the wells. The Districts were looking at all water suppliers in Palm Beach, Broward and Dade Counties. Council Member Osborne asked if there would be any incentives for these costs involved. Mr. Eckler replied the "up to 40% construction funding" was the incentive. Manager Umberger asked since we send our reclaimed water to Palm Beach County and Lake Worth, could we obtain any credit for that. Mr. Eckler replied it could be looked into. Council Member Osborne asked if our water supply would be affected by the additional lines the Village was installing. Mr. Eckler replied the additional lines would impact usage. Council Member Brinkman if the implementation of this program would start the 18 month deadline to amend our comprehensive plan. Mr. Eckler replied the program would be implemented totally in approximately two months and that would start the 18 month clock.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller congratulated Bev Smith and Chet Osborne on their unopposed re-elections and wished Mayor Davis good luck with his campaign.

Mayor Pro Tem Smith stated she looked forward to serving the Village residents for another two years.

Council Member Osborne stated he saw the Channel 25 interview with Michael Peacock in which he insinuated this administrative body was not promoting programs for the youth; and he felt if he had done his research he would have found that the Village had many programs for youth. Mayor Davis advised Council Member Osborne this was not a political forum. Council Member Osborne stated he would say that to anyone who would come forward with those comments because they not only impacted the mayoral campaign, but everyone sitting on the Council. Council Member Osborne stated the comments perturbed him very much.

Council Member Brinkman said "welcome back" to Bev Smith and Chet Osborne. Council Member Brinkman then asked Manager Umberger if he had a status on the fruit stand on Lake Worth Road. Manager Umberger replied they were finally moving ahead. During the annexation a small parcel had been conveyed by a law firm to the owner; however, in review the property control numbers did not match up. One of the parcels was actually owned by someone else who had gone through a quiet title. While waiting for this issue to be resolved, the owner of the fruit stand lost his financing. Things have been straightened out and the site plan should be coming forward shortly. Manager Umberger stated that he had seen a conceptual drawing that looked similar to Rorabecks in West Palm Beach.

Mayor Davis announced the next regular council meeting would be March 8, 2007 at 7:30 pm.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor