



**VILLAGE COUNCIL MINUTES
MEETING, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
JULY 14, 2016 at 6:30 P.M.**

Mayor Bev Smith called the regular meeting of the Village Council to order at 6:34 p.m.

Mayor Bev Smith asks that the Village Clerk to swear in Mrs. Liz Shields.

1. OATH OF OFFICE FOR DISTRICT 3 COUNCIL MEMBER

Village Clerk Susan Caljean administers the Oath of Office to Liz Shields as a new Council Member.

Present: Mayor Bev Smith, Vice Mayor Brinkman, Mayor Pro Tem Waller, Council Member Gunther, Council Member Shields, Village Manager Richard Reade, Village Attorney Brian Shutt, Village Clerk Susan Caljean.

Staff present: Police Chief Tom Ceccarelli, as Sergeant at Arms, Land Development Director, Kim Glas-Castro, Finance Director, Rebecca L. Morse, Library Director, Suvi Manner, and Acting Public Services Director, David Harden.

Absent: Public Services Director, John Rouse and Leisure Services Director, Bill Golson

The Invocation was given by Village Manager Reade, followed by the Pledge of Allegiance led by Mayor Pro Tem Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

The Mayor asked if there were any additions, deletions or modifications to the agenda. Village Manager Reade reported that Item #7B be added to the agenda Mr. Gary Goode from Palm Beach County Mosquito Control would like to give a brief presentation.

Mayor Smith asked for a motion to approve the revisions on the consent agenda, a motion was made by Vice Mayor Brinkman, seconded by Council Member Gunther. Motion carried 5 – 0.

CONSENT AGENDA

Mayor Smith opened the meeting up for public comment.

Tyrone Kapp of 750 Lori Drive, Apt. 228 had a complaint and questions regarding Code Department procedures. He was concerned with landscapers blowing grass clippings into the storm drains.

Gary Ready of 3118 Meadow Road congratulated Liz Shields for her new appointment as Council Member and thanked the Utility Department for covering every street in the Village.

David Silvers of 3549 Forest Hill Boulevard introduced himself, he is running for the State House as a State representative.

Mayor presented the PIP Grant Program check to Mr. & Mrs. Rodriguez.

Mr. Goode from the Palm Beach County Mosquito Commission gave a presentation regarding mosquito control and gave out information pamphlets on the Zika virus. He explained how the residents can eliminate stagnant water in their own yards. Village Manager Reade stated that the Mosquito Commission will be working with the Village Code Enforcement Department to better control the mosquito population in the Village.

CONSENT AGENDA

(Public Comment on Consent Agenda Items is permissible prior to voting)

2. Minutes of Regular Council Meeting on June 23, 2016
Staff: Susan Caljean, Village Clerk
3. Approve Palm Springs Library Long Range Plan - 2017 – 2019

The Library is recommending that the Village approve the proposed Long Range Plan for 2017-2019, which would then enable the Village to qualify to receive State Aid grant funding (approx. \$20,000) within FY 2017. The proposed plan, if approved, will be submitted to the state in September.

Note: The proposed Long Range Plan has been developed utilizing the Florida Public Library Outcomes & Standards, which was developed by the Florida Library Association. These standards have been utilized only as a guideline within the development of the Village's proposed Plan and the Council is not being requested to accept these standards for all areas within the operation of the Library and its programs and/or activities.

The Library Board considered the proposed Long Range Plan during their June 21, 2016 meeting and recommended approval. The proposed Long Range Plan was prepared by the Library Director.

FISCAL IMPACT:

Approval of the proposed plan will enable the Village to receive State Aid Grant funds (approximately \$20,000) within FY 2017.

4. Approve Task Order #206 – Canal 11 Road Design and Construction

Engineering Services – Keshavarz Associates

Village Manager Reade stated that the Public Services department is requesting approval of Task Order #206 with Keshavarz Associates for the design and construction engineering of Canal 11 Road. The proposed Task Order will enable the Village Engineer to coordinate with the PBC and the LWDD on resolving right-of-way issues and to design the paving drainage for this road.

Canal Road, which was annexed into the Village in June 2012, is a dirt street extending approximately one-half mile from Davis Road to Kirk Road along the south side of Lake Worth Drainage District (LWDD) Canal 11. In an effort to maintain a safe roadway for the resident, Palm Beach County agreed to continue maintaining this street for up to two years or until December 3, 2017 “contingent on the Village demonstrating a continued progress to pursue the ownership, maintenance, and improvement of the road.”

Public Services staff has met with Palm Beach County and LWDD concerning this project and portions of the road are in a public right-of-way. However, other portions are within the LWDD right-of-way or on private property. Palm Beach County and LWDD are committed to working with the Village to obtain a proper road rights-of-way for the entire road.

Staff recommends the approval of the Task Order with Keshavarz Associates in the amount of \$65,200 for design, permitting and construction administration. It is estimated that design and permitting will take approximately seven (7) months and construction is estimated to be completed in the Fall of 2017.

The proposed task order has been prepared by the Village staff and Keshavarz Associates and has been reviewed by the Acting Public Service Director.

FISCAL IMPACT:

Partial funding to support this task order (\$25,000) is available within the FY 2016 Budget – General Fund (Road and Street Maintenance, Improvements Other Than Buildings) Fund. The remaining balance needed will be included within the FY 2017 Budget.

5. Authorize contract award for Independent Audit Services – RFP#2016R-004

The employee selection committee you appointed to review the proposals from RFP #2016R-004 for Independent Auditing Services was comprised of:

Captain Robert Perez, Police Department
William Golson, Parks and Recreation Director
David Harden, Acting Public Works Director
Mariana Ortega-Sanchez, Assistant Finance Director
Rebecca L. Morse, CFO and committee chair

The proposal deadline was June 20, 2016. The Village Clerk received proposals from four firms and those proposals were distributed to the committee members by the Village Clerk.

The selection committee met today in Council Chambers at 10 am to discuss the proposals. Each firm was reviewed and discussed by the by the committee members and then each member submitted their individual scoring sheets with the categories as defined in the RFP. Various items were discussed during the committee meeting where the proposals had minor variations. The committee did not determine that any proposals were non-responsive.

Ms. Morse collected the individual scoring sheets from the committee members and compiled the totals and put the total scores on a blank scoring sheet. At the request of the Village Clerk the total scores for each of the firms was read into the record. The total scores by firm are as follows:

- Caler, Donten, Levine, Cohen, Porter & Veil, PA – 462
- Grau & Associates – 415
- Keefe McCullough – 308
- Rehmann – 348

Based on these totals the committee recommends Caler, Donten, Levine, Cohen, Porter & Veil.

6. Proclamation – Parks and Recreation Month in Palm Springs

End of Consent Agenda.....

Mayor Smith asked for a motion to approve the consent agenda, a motion was made by Mayor Pro Tem Waller, seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

PRESENTATIONS

7. Award of Property Improvement Program (PIP) Matching Grant Monies

Village Manager Reade stated that PIP applicant has completed their improvement project and has filed the necessary documentation to receive the Village matching grant funds.

A PIP applicant has completed their improvement project and has filed the necessary documentation to receive Village matching grant funds.

- Owner/Resident: Cristian Canton & Idelia Rodriguez
- Address: 444 San Fernando Drive (since 2013)
- Project: Replaced Windows with Impact Resistant Glass

Eligible Costs: \$8,000.00
Grant Award: \$4,000.00

8. Palm Springs Public Library Inducted into School District of Palm Beach County Business Partners Hall of Fame – Chuck Shaw, Palm Beach School Board Chair

Mayor Smith welcomed and thanked everyone from the Palm Springs Public Library that was inducted into School District of Palm Beach County Business Partners Hall of Fame.

Chuck Shaw, Palm Beach School Board Chair congratulated and thanked the Library and staff for such a wonderful honor, also present were, Cynthia Orocofsky and Debra Keezer, Palm Springs Elementary School and Mary Helen Sakellarios, Assistant Director of Palm Springs Public Library, retired.

The Mayor also thanked Mary Helen Sakellarios for all her work over the years.

Village Manager Reade stated that recently, Mayor Bev Smith the Village Manager and the Library Director attended the School District of Palm Beach County's Volunteer & Business Partners Awards Breakfast on April 29, 2016 where the Village was inducted into the School District's Business Partnership Hall of Fame. This prestigious recognition and honor is a result of Palm Springs Elementary School Principal Dawn Lewis and staff member Debra Keezer recognizing the efforts of the Village's former Children's Librarian, Mary Helen Sakellarios and the Library for our commitment to building successful, innovative library that fosters unique learning opportunities, promotes academic achievement and addresses community needs.

The Palm Springs Public Library has been long-standing partner in education with the District, and they have also been honored at the District level multiple years for their contribution to enhancing the learning environment for students who attend Palm Beach County schools. As a result, School Board Chairman Chuck Shaw will be formally presenting the award to the Village Council.

PUBLIC COMMENT (Three minute limit)

PUBLIC HEARINGS

Council discussion: Council Member Gunther said this project needed to be addressed for some time.

The Mayor opened the meeting up for public comment.

Jim Harmon of 313 Poe Drive would have like to have seen a more comprehensive engineering report completed. He was also wondering if the County had any funding available for these projects.

Village Manager Reade explained that a more detailed engineering report will be addressed at a later date.

Steve Eng of 72 Lake Worth Road does not think the stormwater is impacting all the properties in the Village.

Council Member Gunther explained the three tiered basin system in the community.

Ron Schmidt owner of 3064 Evans Road, was not in favor of the assessment.

Paul Torasis of 3529 Coconut Road was not in favor of the assessment and thinks if the Village would cut swales near certain properties that would eliminate a lot of the flooding problems.

Johnnie Tische of 307 Wingfoot stated that the landscaper's should be fined for blowing grass and leaves in the storm drains and send out flyers to educate them.

Ronald Schroeder of 3915 Adcock Lane is not favor of sending more water into the canals.

Marino Olsen of 4627 Gardenia had alleviated his own water problem.

Gary Ready 3118 Meadow Road stated he also had water problems in his yard. He wondered if an Engineer was available to answer questions.

Village Manager Reade stated that an engineer's report would be part of the Stormwater management plan.

Inaudible name is not in favor of this project because it will raise his taxes.

Paul Torasis of 3529 Coconut Road is in favor of installing swales.

Jose Ianez of 4509 Springdale Circle not in favor of the continuation of the project over several years.

Vice Mayor Brinkman had questions regarding the time frame of the Stormwater management plan. Mr. Shutt explained the time frame of the plan.

The Mayor received a letter from a resident at Lakeside Village that could not attend the meeting but was not in favor of the increase in taxes for stormwater.

9. RESOLUTION No. 2016-51 - Proposed Storm Water Non Ad-Valorem Assessment

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING A BUDGET FOR THE STORMWATER UTILITY SYSTEM; ESTABLISHING RATES FOR STORMWATER MANAGEMENT ASSESSMENTS FOR

EACH PARCEL WITHIN THE BENEFITTED AREA, OTHER THAN NON-ASSESSED PROPERTY; PROVIDING FOR THE CERTIFICATION AND ADOPTION OF THE STORMWATER ASSESSMENT ROLL IN ACCORDANCE WITH CHAPTER 78 OF THE CODE OF ORDINANCES OF THE VILLAGE OF PALM SPRINGS; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR THE ADOPTION OF THE STORMWATER ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Staff: Richard Reade, Village Manager

Village Manager Reade stated that over the years, the Village has experienced significant rainfall from storms that has caused substantial flooding in yards and driveways as well as along many of our residential streets, which prevents our community from safely traveling/evacuating over our roadways during a severe storm event. As a result, in July 2014, during the Village Council's budget workshop, it was determined that a stormwater fee be implemented within the FY 2015 budget to address the numerous stormwater (and safety) issues that exist within the Village. This proactive approach to this community-wide problem would enable staff to identify future drainage improvement projects that would not only manage the stormwater, but also attempt to eliminate the issue of flooding in several of our neighborhoods. Repairs and maintenance to our infrastructure are critical and would contribute to improving the livability of our community as well as meeting the requirements of our National Pollution Discharge Elimination System (NPDES) permit for monitoring our discharges, maintenance of facilities and implementing measures to reduce pollution in our stormwater discharges.

However, to implement a permanent fee a number of requirements must be completed. As a result, staff worked with the Village Attorney and the Village Engineer to develop an "Interim" stormwater fee to be put in place with the following conditions:

The Interim Fee is for a short-term period – 3 years

The Interim fee would be justified by a short-term study that demonstrates the needed stormwater projects and operational costs are balanced with projected revenues

A detailed long-term study would be performed during the interim period and should identify future projects and set future fees based on property use and size

In an effort to determine how severe the Village's stormwater and drainage issues are, our contracted engineer completed a "Stormwater Study for Justification of Interim Fees." This report identified several infrastructure projects throughout the Village (if implemented and constructed) that would help manage and improve our existing drainage problems as well as to ensure safe streets during (and following) a heavy rainfall or serious storm (i.e., hurricane, tropical storm, etc.). Additionally, the Study recommended proposed rates based upon the total cost of identified drainage improvements that would be made during the interim period and the size of the properties generating stormwater.

As a result, on December 10, 2015, the Village Council created a stormwater utility (Ordinance No. 2015-43) and established interim assessment rates (Resolution 2015-

90), as recommended within the Engineer's Report, to be collected as an annual non ad-valorem assessment (beginning in October 2016 – FY 2017) to support our stormwater issues within the Village:

	Monthly Rate	Annual Rate
Single Family Residential & Condominiums	\$3	\$36
Multifamily	\$3	\$36
Commercial (Less than 1 acre)	\$5	\$60
Commercial (1 to 5 acres)	\$10	\$120
Commercial (More than 5 acres)	\$15	\$180

The proposed annual non ad-valorem assessment for stormwater management services, if approved, would begin on October 1, 2016 and would continue each year until amended. The stormwater management assessments will be included on the 2016 property tax bills issued to property owners in November (similar to the Village's charges for solid waste collection costs) and will be collected by the Palm Beach County Tax Collector (payable at the same time as all other annual property taxes and assessments). The assessment will be determined based on the total number of units per parcel or total parcel acreage [PBC Property Appraiser Property Control Number (PCN)]. The projected total annual revenue for FY 2017 that the Village would collect, if approved, is expected to be \$388,356 (96% of total revenues - \$372,822 - will be included within the FY 2017 budget, if approved).

Note: In order to use the uniform method of collecting the stormwater fees (or Non Ad-Valorem Assessment process), state statute required that the Village enter into agreements with the PBC Property Appraiser and the PBC Tax Collector. The Village entered into Agreements with PBC Information System Services (ISS) (Resolution No. 2016-29), the PBC Tax Collector (Agreement – December 2007) and the Property Appraiser (Resolution No. 2016–30) to assist with the Non Ad-Valorem Assessment process.

As required by state law, all property owners (7,743) within the Village have been notified 20 days prior to the advertised public hearing (to be held on Thursday, July 14, 2016 at 6:30 p.m. - Village Hall – Village Council Chambers - 226 Cypress Lane) to consider implementing a non ad-valorem assessment on all properties located within the Village and authorize collection and funding for the Village's stormwater management services and projects (Resolution No. 2016-51).

Each mailed letter/public notice outlined the purpose for the proposed fee to be assessed, the amount that was projected to be assessed to each parcel of property as well as a phone number to the Assistant to the Village Manager and a link to the Village's website where they could ask questions, voice concerns and/or learn more about the proposed assessment. In addition, information about the proposed assessment and public hearing was included on the Village's LED message board, within the Village's E-newsletter and an article was published in the Lake Worth Herald.

Staff received approximately twenty (20) calls, written statement(s) and/or visits from property owners following receipt of the public notice with a majority of the property owners wanting additional information and stating that they were in agreement with the assessment. Some of the callers outlined specific drainage issues that they currently faced on their streets and requested that they be included on the list of drainage projects; while others inquired about how they would be billed and some even requested an update after the hearing. Three (3) calls that were received objected to the assessment as they felt they paid enough in taxes and current monthly condominium association fees. Two (2) calls referred to the need to consider commercial condominium property footprints rather than the acreage of the entire property. The PBC School District also called to notify the Village to request to be exempt from the fee. Finally, a property investor had a concern that they were previously assessed by PBC and will now possibly be assessed by the Village.

The proposed Resolution was prepared by the Village Attorney and reviewed by the Finance Director, the Acting Public Service Director, the Assistant to the Village Manager and the Village Clerk.

If approved by the Village Council, the proposed interim stormwater fees and all related data will be submitted to the PBC Property Appraiser's Office and will begin to be collected on the upcoming 2016 property tax bills issued to all Village property owners in November.

FISCAL IMPACT:

Over the 3-year interim fee period it is anticipated that approximately \$1,034,000 in revenue will be collected by the Village.

Mayor Smith asked for a motion to approve Resolution 2016-51, a motion was made by Council Member Gunther, seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

10. RESOLUTION No. 2016-52 – Proposed Garbage, Trash and Recycling Non Ad-Valorem Assessment

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM ASSESSMENT ROLL FOR FISCAL YEAR 2016-2017, SO AS TO PROVIDE A UNIFORM METHOD FOR COLLECTING A NON-AD VALOREM ASSESSMENT FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES AND RELATED SERVICES ON THE PALM BEACH COUNTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Richard Reade, Village Manager

Village Manager Reade state that the proposed Resolution sets the non ad-valorem assessment roll rates for Fiscal Year (FY) 2017 and provides a uniform method for

collecting this assessment for garbage, trash and recyclables collection services within the Village on the Palm Beach County Tax Notices.

The proposed rates for FY 2017 will be the same as last year:

Single Family Homes	\$151.20
Multi-Family Homes	\$ 94.50
Mobile Homes	\$ 94.50

Note: This year the Village's contracted hauler, Republic Services of Palm Beach, has increased the cost to the Village by 3%, in accordance with the approved contract – minimum of 3% or CPI (whichever is more) per year. Residential garbage rates were increased last year for the 1st time in 7 years in an effort to assist with the reduced administrative margin to offset staff costs.

The Council originally established the uniform method for collecting garbage, trash and recyclables services on the Palm Beach County Tax Notices in February 2008 (Resolution No. 2008-17). The approved Resolution included all parcels within the incorporated municipal boundaries of the Village of Palm Springs at that time, as well as all parcels subsequently annexed into the Village.

In June 2016, the Village Clerk mailed out letters to fifty-one (51) new residential properties that were annexed into the Village during 2015. The letter notified each property owner the proposed collection rates that will be included as a non ad-valorem assessment on the FY 2017 Tax Notices. These new properties will begin to receive collection services by the Village's hauler beginning October 1st (they are currently being serviced by the County's approved hauler) and will receive new toters prior to service starting.

The proposed rates and all related property data will be provided to the PBC Property Appraiser's Office by the PBC Solid Waste Authority (SWA), who provides billing services for the Village.

FISCAL IMPACT:

The proposed FY 2017 rates are the same as last year's rates.

Mayor Smith asked for a motion to approve Resolution 2016-52, a motion was made by Vice Mayor Brinkman, seconded by Council Member Shields. Motion carried 5 – 0.

Mayor Smith asked if anyone was in the audience to be sworn in, the Village Clerk swore in the applicants.

11. ORDINANCE No. 2016-09 – Village Code Amendment – Foreclosure Registration (Second Reading)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA,
AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 10

“BUILDINGS AND BUILDING REGULATIONS”, ARTICLE I “IN GENERAL”, TO ADD A NEW SECTION 10-30, “FORECLOSED PROPERTY REGISTRATION PROGRAM”, PROVIDING FOR REGISTRATION OF FORECLOSED PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Foreclosed Property Registration Program (Sec. 10-30):

Village Manager Reade stated that a new property registration program would contribute to the Village’s goal of maintaining a clean and safe community as well as our economic (re-)development efforts and would establish a process to monitor and address unsafe conditions (i.e., accumulation of trash, debris, overgrown grass and bushes, unsecured swimming pools, vandalism, potential “squatting”, etc.) of abandoned and distressed properties that have been foreclosed on and are the responsibility of banks, lenders and/or trustees.

The proposed program, which is modeled after other programs within the County, would require the lenders/financial institutions to provide basic maintenance responsibilities to ensure compliance with the Village Code, including: regular inspections, property maintenance and repair and posting of the property with contact information. An annual registration fee would be required until the property is no longer in foreclosure or owned by the lender.

Note: If the new program is approved, a proposed registration fee (e.g., \$150) will be presented to the Council for consideration at upcoming meeting.

The proposed new foreclosed property registration program was developed by the Land Development Director and reviewed by the Village Attorney and is recommended for approval.

The Land Development Board considered the proposed amendment at their May 10th meeting and recommended approval.

The proposed ordinance was approved on 1st reading on June 9, 2016, and is being presented for consideration on 2nd and final reading.

FISCAL IMPACT:

The proposed new program would have a direct impact on the foreclosed properties and ensure that basic maintenance needs are being provided, which would have a significant impact on surrounding properties. Further, the collection of a registration fee would be dependent on the total number of foreclosed properties within the Village.

Mayor Smith asked for a motion to approve adoption of Ordinance 2016-09 on second reading, motion made by Mayor Pro Tem Waller, seconded by Council Member Gunther. Motion

carried 5 – 0.

12. ORDINANCE No. 2016-10 – Village Code Amendment – Traffic Impact Studies and Traffic Engineer (Second Reading)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 74 “TRAFFIC AND VEHICLES”, ARTICLE I “IN GENERAL”, TO REPEAL SECTION 74-1, “TRAFFIC ENGINEER” IN ITS ENTIRETY, AND TO ADOPT A NEW SECTION 74-1, “TRAFFIC ENGINEER”; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Traffic impact study (Sec. 34-687)

Village Manager Reade stated that the proposed expansion to the existing requirements of a traffic analysis would ensure traffic impacts created by new development are fully evaluated so that concurrent road improvements can be made to mitigate negative impacts and promote pedestrian circulation and safety.

Traffic engineer (Sec. 74.1)

This is a housekeeping amendment recommended by staff to clarify the role of the Traffic Engineer within the Village’s approval process and remove reference to police authority related to traffic infractions (which creates confusion) as provided within Chapter 316, F.S.

Additionally, staff recommends expanding this section to specify that a professional traffic engineer may be retained to conduct traffic analyses and/or parking studies for new development proposals to ensure that the Village’s interests are fully evaluated, in addition to typical compliance with countywide traffic performance standards. Fees for services performed under this section would be reimbursed by the developer/applicant.

The proposed amendments to the Village Code were prepared by the Land Development Director and reviewed by the Village Attorney and are recommended for approval.

The Land Development Board considered the proposed amendments at their May 10th meeting and recommended approval.

The proposed ordinance was approved on 1st reading on June 9, 2016, and is being presented for consideration on 2nd and final reading.

FISCAL IMPACT:

There is no direct fiscal impact to the Village as a result of the proposed amendment.

Mayor Smith asked for a motion to approve adoption of Ordinance 2016-10 on second

reading, motion made by Vice Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

13. ORDINANCE No. 2016-11 – Village Code Amendment - Purchasing (Second Reading)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY AMENDING CHAPTER 58 “PURCHASING CODE”, BY AMENDING SECTION 58-5, “COMPETITIVE SELECTION PURCHASE REQUIREMENTS” TO CLARIFY THAT THE VILLAGE MANAGER SHALL BE ALLOWED TO CANCEL OR REJECT BIDS WHEN IN THE BEST INTEREST OF THE VILLAGE; AMENDING SECTION 58-6, “PURCHASING PROTESTS” BY REPEALING THE CURRENT SECTION AND REPLACING IT WITH A NEW SECTION THAT SETS FORTH THE BID PROTEST PROCEDURES; AMENDING SECTION 58-12, “EMERGENCY PURCHASES” TO CLARIFY THE AMOUNTS THAT THE VILLAGE MANAGER MAY HAVE AUTHORITY TO CONTRACT FOR ON AN EMERGENCY BASIS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff: Rebecca Morse, Director of Finance

Competitive selection purchase requirements:

Clarification is provided that the Village Manager may cancel or reject bids when it is in the best interest of the Village.

Emergency purchases:

Village Manager Reade stated that in November 2015, the Council amended the purchasing code thresholds for goods/services to \$25,000 without Council authorization provided that funding is available and written authorization is provided by the Village Manager (Ordinance No. 2015-36). All single purchase expenditures that exceed this limit will be required to follow the competitive selection process and will need to be approved by the Village Council. However, this amendment to the purchasing threshold was not changed in the emergency purchases section of the Village code.

Further, the Village Council had previously adopted an ordinance (Ordinance No. 2015-35), that provided upon a declaration of emergency by the Village Council or the Governor that the Village Manager shall have the authority to contract up to a total of \$50,000 for goods and services without Council approval and up to a total of \$75,000 if it is not possible to obtain a quorum of the Village Council for an emergency meeting within 24 hours. If this section of the code is utilized due to an emergency and/or unforeseen situation, all emergency purchases above the \$25,000 threshold would be brought to the Village Council for ratification at the next available regular or special meeting. Further, staff will continue to attempt to obtain quotes and/or proposals to ensure the lowest possible pricing.

The proposed amendments would assist the Village by ensuring competitive purchases, saves tax dollars and is in the best interest of our taxpayers while still complying with state law.

The proposed purchasing code amendments were prepared by the Village Attorney and reviewed by the Finance Director and are recommended for approval.

The proposed ordinance was approved on 1st reading on June 9, 2016, and is being presented for consideration on 2nd and final reading.

FISCAL IMPACT:

There is no direct fiscal impact to the Village as a result of the proposed amendment.

Mayor Smith asked for a motion to approve adoption of Ordinance 2016-11 on second reading, motion made by Council Member Gunther, seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

14. RESOLUTION No. 2016- 53 – Special Exception (PSSE16-04) and Site Plan Review SPR16-04) A Place For You Adult Daycare & Rehabilitation Center - 3678 South Congress Avenue

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING), WITH CONDITIONS, FOR SITE PLAN (SPR16-04) SUBMITTED BY BRADLEY MILLER, AGENT FOR YONIEL GONZALEZ AND CAELY PEREZ OWNERS/OPERATORS OF A PLACE FOR YOU, AND REQUESTING A SPECIAL EXCEPTION USE (PSSE16-04) APPROVAL FOR A 9,885 SQUARE FOOT (171) CLIENT ADULT DAYCARE AND REHABILITATION CENTER IN THE EXISTING COMMERCIAL BUILDING LOCATED AT 3678 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Village Manager Reade stated that Mr. Bradley Miller, agent for Yoniel Gonzalez and Caely Perez, owners/operators of A Place for You, is requesting site plan and special exception approval for a 9,885 square foot (171 client) adult daycare and rehabilitation center within an existing commercial building located at 3678 South Congress Avenue (formerly Capital Thrift and Boater's World).

While the land development regulations do not specifically address adult daycare use, the most similar use is "Child Care Facility," which is permissible as a special exception in the Commercial General (CG) district.

The proposed use includes personal care, therapy, social activities and transportation for adults needing supervised care. The center's proposed hours are 8:00 am - 5:00 pm Monday-Saturday. The facility is licensed through the Florida Agency for Health Care

Administration (AHCA), which requires 45 s.f. of floor area per client and 1 employee per 6 clients. As a result, the facility would be restricted to 171 client members and 29 employees based on its floor area and available parking.

The property was annexed in 2009 and does not have a Village-approved site plan. Building renovations are proposed, as well as enhanced landscaping and exterior painting and signage. A shaded patio area is proposed in the rear of the facility.

The Land Development Board considered these applications at their June 14th meeting and recommended conditional approval.

Staff recommends conditional approval based on the consistency with the Village Comprehensive Plan and the proposed improvements will have a positive impact on the adjacent properties.

Note: The existing private lift station and 4" force main are being transferred to the Village for operation and maintenance at Public Service Department's request. The capacity of the lift station will be enhanced to serve the capacity requirements of the adjacent Burger King and three other parcels at 2nd Avenue North and Congress Avenue that currently operate on septic tanks. The Village will recoup expenses for upgrading the lift station as the other surrounding properties within the service area connect to the sanitary sewer system.

FISCAL IMPACT:

The proposed project should enhance the assessed value of the property.

Mayor Smith asked for a motion to approve Resolution 2016-53, motion made by Vice Mayor Brinkman, seconded by Council Member Shields. Motion carried 5 – 0.

15. RESOLUTION No. 2016- 55 – Special Exception (PSSE16-03) and Hours of Operation Variance (PSV16-03) –Angel Roque's Place Piano Restaurant - 2650 South Military Trail, Bay #18

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING), WITH CONDITIONS, A SPECIAL EXCEPTION USE (PSSE16-03) AND HOURS OF OPERATION VARIANCE (PSV16-03) TO OPERATE UNTIL 12:00 A.M. ON FRIDAY AND SATURDAYS, SUBMITTED BY ANGEL ROQUE, TENANT AND MUSICIAN FOR A 804 SQUARE FEET (29 SEAT) RESTAURANT IN THE EXISTING PLANTATION PLAZA LOCATED AT 2650 S. MILITARY TRAIL; AND ESTABLISHING AN EFFECTIVE DATE

Staff: Kim Glas-Castro, Land Development Director

Village Manager Reade stated that Mr. Angel Roque, tenant and musician, is requesting special exception (PSSE16-03) approval for an 804 square feet (29 seat) restaurant in the existing Plantation Plaza located at 2650 S. Military Trail. Mr. Roque proposes to

offer live entertainment within the restaurant, and is voluntarily committing to restrict this entertainment to piano music on a 59 square foot stage area. As long as a legitimate restaurant is operated, and not a lounge, staff does not oppose the use (see conditions #8 and #9).

Additionally, the applicant is requesting a variance (PSV16-03) from the Village code to operate the new piano restaurant one hour longer (until 12:00 a.m.) on Friday and Saturday nights. The applicant is requesting approval to deviate from Section 34-891(1), "Hours of Operation and Hours of Construction Activity," which specifies that no commercial activity shall occur before 7:00 a.m. or after 11:00 p.m. The proposed time extension variance would be consistent with other uses within Plantation Plaza that are grandfathered with extended hours of operation (Gordo's Restaurant: 12:30 a.m. Mon-Wed, 5:00 a.m. Thurs-Sat, 12:00 a.m. Sun and El Palacio Nightclub: 5 a.m. Mon-Sun).

The Land Development Board considered these applications at their June 14th meeting and recommended conditional approval.

Based on the surrounding characteristics, staff does not find that the requested variance will negatively impact the area or be detrimental to the public welfare.

FISCAL IMPACT:

The proposed request does not have a significant fiscal impact to the Village.

Mayor Smith asked for a motion to approve Resolution 2016-55, motion made by Mayor Pro Tem Waller, seconded by Council Member Gunther. Motion carried 5 – 0.

16. RESOLUTION No. 2016- 56 – Special Exception (PSSE16-02) – South Florida Laboratory (Biomedical lab) - 3395 Lake Worth Road

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING), THE SPECIAL EXCEPTION USE (PSSE16-02) SUBMITTED BY MATTHEW SCOTT, AGENT FOR NORDAP INVEST, INC., TO ALLOW FOR 13,320 SQUARE FEET OF FLOOR AREA WITHIN 8 TENANT BAYS IN THE EXISTING GENERAL COMMERCIAL BUILDING LOCATED AT 3395 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Village Manager Reade stated that Mr. Matthew Scott, agent for Nordap Invest, Inc., the property owner, is requesting special exception (PSSE16-02) approval for 13,320 s.f. biomedical laboratory use within the existing general commercial building (8 tenant bays) located at 3395 Lake Worth Road.

Laboratory use is a special exception within the Commercial General (CG) land development district. South Florida Laboratory proposes to utilize 4,680 square feet initially for biomedical testing/processing and intends to build out an additional 8,640 square feet in the near future. The use requires 10 to 15 employees generally working

8:00 am - 5:00 pm, seven days a week to process biosamples. Samples will be delivered via overnight carrier or transport company – no customers/patients will come to this facility. Disposal of biohazardous waste will be performed by a contracted waste company.

The Land Development Board considered this application at their June 14th meeting and recommended conditional approval.

FISCAL IMPACT:

The proposed request does not have a significant fiscal impact to the Village.

Mayor Smith asked for a motion to approve Resolution 2016-56, motion made by Vice Mayor Brinkman, seconded by Council Member Gunther. Motion carried 5 – 0.

17. RESOLUTION No. 2016- 54 - Final Plat - Palm Springs Addition First Replat (Palm Springs Apartments)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING/DENYING THE FINAL PLAT OF PALM SPRINGS ADDITION FIRST REPLAT (PALM SPRINGS APARTMENTS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Village Manager Reade stated Rich Lundy, agent for the property owner, JERJO, Inc. (Palm Springs Apartments), has filed the final executed plat mylar to construct 48 new apartment units in the southwest portion of the property located at Rich Drive (East of Forest Avenue). The proposed final plat re-plats the entire rental community property and formally vacates easements located within the property.

The final plat (re-plat) is consistent with the approved site plan amendment (Resolution 2015-08 – March 12, 2015), the approved preliminary plat (Resolution 2015-12 – June 11, 2015) and the approved abandonment of the recreation/open space tract (Resolution 2016-48 – June 9, 2016 and Resolution 2015-07 – February 12, 2015), which were previously approved by the Village Council.

The Village's Surveyor, Engenuity Group, has reviewed the proposed final plat mylar and has determined that it is in compliance with Chapter 177, F.S. (Platting Regulations).

If approved, the proposed Final Plat will be recorded in the public records of Palm Beach County.

FISCAL IMPACT:

There is no direct fiscal impact to Village from the proposed plat.

Mayor Smith asked for a motion to approve Resolution 2016-54, motion made by Vice

Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

18. RESOLUTION No. 2016- 57 - Final Plat - Evans Place - 1020 Evans Drive

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING/DENYING THE FINAL PLAT OF EVANS PLACE, 1020 EVANS DRIVE TO SUBDIVIDE ONE LOT INTO TWO SEPARATE SINGLE-FAMILY BUILDING LOTS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Village Manager Reade stated that Mr. Norman Hernandez, owner of the property, has filed the final executed plat mylar to subdivide a single lot, located at 1020 Evans Drive (North of 10th Avenue), into two (2) separate lots. While the RS district typically requires lots to have a minimum lot width of 65 feet, Village staff approved an administrative variance to facilitate a “lot split” resulting in two buildable single-family residential lots with lot dimensions of 62.5 feet.

The final plat is consistent with the approved preliminary plat (Resolution 2016-47 - May 16, 2016), which was previously approved by the Village Council.

The Village’s Surveyor, Engenuity Group, has reviewed the proposed final plat mylar and has determined that it is in compliance with Chapter 177, F.S. (Platting Regulations).

If approved, the proposed Final Plat will be recorded in the public records of Palm Beach County.

Note: The property was “donated” to the Village by JPMorgan Chase Bank in 2013 in consideration of the significant code enforcement liens that had accrued. The Village sold the parcel with the intent that it be developed for residential purposes.

FISCAL IMPACT:

There is no direct fiscal impact to Village from the proposed plat.

Mayor Smith asked for a motion to approve Resolution 2016-57, motion made by Council Member Shields, seconded by Council Member Gunther. Motion carried 5 – 0.

ACTIONS AND REPORTS

19. Voting Delegate for the 2016 Florida League of Cities Annual Conference
Staff: Richard Reade, Village Manager

The Mayor asked for any volunteers and Mayor Pro Tem Waller offered to be the Voting Delegate for the 2016 Florida League of Cities Annual conference. She would like Council Member Shields to attend also.

Mayor Smith asked for a motion to approve Item #19, motion made by Vice Mayor

Brinkman, seconded by Council Member Gunther. Motion carried 5 – 0.

MANAGERS COMMENTS

Village Manager Reade stated that Vicki Von Fossen will be retiring in September. Brent Morgan, Assistant Village Manager will be helping out in Human Resources. Kim Glas-Castro will be holding the Planning Officials training tomorrow here in the Village, eighteen cities will be represented. He spoke with Palm Beach County regarding a CRA in our community and is awaiting a proposal from the Treasure Coast. There was a discussion about turning Kirk Road into a three or five lane road. There would be a significant impact on the residents. There were several comments from the Council.

COUNCIL COMMENTS

Mayor Pro Tem Waller wanted Palm Springs Pizza to move back into the area and complimented the Village on the fireworks. Council Member Shields thanked the Chief for the traffic flow on the 4th of July. The Mayor mentioned the surtax issue will be on the ballot this November for the infrastructure in Palm Beach County.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Susan Caljean, Village Clerk

Mayor, Bev Smith

BUDGET WORKSHOP: JULY 28, 2016 AT 5:30 P.M.
NEXT REGULAR MEETING: JULY 28, 2016 AT 6:30 P.M.

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at 965-4010 at least 3 days prior to the meeting in order to request such assistance.