



**VILLAGE COUNCIL MEETING
MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
OCTOBER 13, 2016 AT 6:30 P.M.**

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

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

Staff present: Police Chief Tom Ceccarelli, as Sergeant at Arms, Finance Director, Rebecca L. Morse, Library Director, Suvi Manner, Parks and Recreation Director, Bill Golson, Land Development Director, Kim Glas-Castro, Public Service Director, John Rouse.

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 stated that there should be a correction to Item #2 that the April 11th date should be changed to April 13th, 2017. An addition to the agenda is Item #10-A, to amend our 5 year Capital Improvement Plan to be able to receive a FRDAP grant. Item #3 for the creation of a CRA needs to be removed due to a bid protest we received today.

Mayor Smith asked for a motion to approve the agenda as presented. Vice Mayor Brinkman made a motion to approve, seconded by Council Member Shields. Motion carried 5-0.

CONSENT AGENDA

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

Proclamations

Mayor Smith read the following proclamations:

Friends of the Library

City Government Week

Commissioner Shelley Vana

Commissioner Vana thanked the Mayor, Council, Manager Reade and the residents of the Village for all their support over the years. The Mayor and Council wished

Commissioner Vana well in her future endeavors, and thanked her for her years of service to this community.

Mayor Smith opened the meeting up for public comment. There were comments from the public.

Gary Ready of 3118 Meadow Road wanted to thank Public Safety for being there during the hurricane, some members were there 24 hours.

Virginia Saviato ran for the State House and lost but wanted to thank the Village residents and Chief Ceccarelli and Chief Smith for all their support. She also thanked Johnnie Tieche for all his help.

1. Approval of Council Meeting minutes of September 22, 2016.
2. Approval of Village Council Meeting Schedule – FY 2017

Village Manager Reade stated that the Village Charter and the Code of Ordinances requires the Council to hold at least one meeting per month. As a result, the Village Council is requested to approve the proposed Meeting schedule for Fiscal Year (FY) 2017.

The proposed schedule of meetings, if approved, is as follows:

2016

Thursday, November 10, 2016

Thursday, December 8, 2016

2017

Thursday, January 12, 2017

Thursday, February 9, 2017

Thursday, March 9, 2017

Thursday, April 13, 2017

Thursday, May 11, 2017

Thursday, June 8, 2017

Thursday, July 13, 2017

Thursday, July 27, 2017 - Budget Workshop (prior to Council Meeting)

Thursday, July 27, 2017 – Tentative Millage Rate

Thursday, August 10, 2017

Thursday, September 14, 2017 (Millage Rate & Budget – 1st Public Hearing)

Thursday, September 28, 2017 (Millage Rate & Budget – 2nd Public Hearing)

Thursday, October 12, 2017

Note: Meeting start times are 6:30 p.m. except for the July 27th Meeting, which will begin at 7:00 p.m. to provide for sufficient time to hold the Budget Workshop. Also, additional meetings may be scheduled as required.

3. Approve Agreement to Implement Foreclosure Property Registration Process– Community Champions – Best Interest Acquisition

Village Manager Reade stated that in July 2016, the Village established Foreclosure Property Registration Program under Section 10-30 of the Village Code (Ordinance 2016-09) in an effort to ensure a clean and safe community as well as to contribute to our economic (re-) development goals. The proposed program was intended to 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.) on 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.

Although it was originally thought that this program could be implemented/handled internally, it has been found that a significant amount of staff resources is being required. As a result, staff is requesting to utilize a Florida based company, Community Champions, to fully implement this program that has been contracted with several municipalities throughout the state (i.e., Greenacres, Wellington, Lake Worth, Jacksonville, Miami, North Miami and Hialeah) as well as Palm Beach County. It should be noted that many local governments have selected this vendor under their sole source provisions within their purchasing codes.

The proposed vendor acknowledges that they have an estimated 80% success rate in obtaining mortgagee registrations by utilizing their proprietary (unique) database that identifies properties within the foreclosure process by cross-referencing the properties with four (4) different sources. As a result, they have identified 344 parcels within the Village that are in a stage of mortgage default (not all of these are vacant or abandoned by the residents).

Further, Community Champions has developed working relationships with various mainstream financial institutions and maintains a contact list of bank representatives that has helped to facilitate compliance with municipal foreclosure registration requirements. Thus, reducing the Village’s time constraints to administer this program and ensuring increased staff productivity and meeting the Village’s program goals.

The Village Attorney and the Finance Director have reviewed the sole source letter from Community Champions as well as the selection by other local governments and have determined that the Village may consider approval of this vendor as a best interest acquisition company due to their unique property foreclosure database and relationship

with various banks/mortgage companies.

If approved, the Village would accept Community Champions pricing, including all terms, conditions and pricing therein. The term of the agreement would be for two (2) years and may be renewed for an additional (3) three – one (1) years term(s). Additionally, the proposed vendor would receive ½ of each registration fee paid to the Village (or \$100 per property). A registration fee of \$200/year was previously approved in July 2016 (Resolution 2016-63).

Thus, due to the proposed vendor's unique database as well as the reasons outlined above, it is recommended that the Village contract with Community Champions under the Village's Purchasing Code – Section 58-11 Best Interest Acquisitions, that enables the Council to contract for services without utilizing the competitive selection process with at least a four-fifths (4/5) affirmative vote.

The Village Attorney has prepared the proposed Agreement and it has been reviewed by the Land Development Director and the Finance Director.

Although, the Village has not worked with the proposed vendor, staff has received positive references from the Village of Wellington, the City of Jacksonville, the City of Lake Worth and Palm Beach County.

FISCAL IMPACT:

The FY 2017 budget does not include a revenue projection for foreclosure registrations; however, it is believed that the proposed vendor will be more effective in obtaining foreclosure registrations that will result in increased General Fund Revenues.

4. Approve Change Order #1 to Task Order #146 – Professional Engineering Services – Utility Storage Building Design and Construction Engineering Services – Eckler Engineering

Village Manager Reade that on February 12, 2015, the Village approved Task Order #146 with Eckler Engineering to serve as the Village's engineering consultant for design and construction engineering services for a new utility storage building to be located at the Village's Main Water Plant in the amount of \$15,000. Funding to support the construction of a new utility storage building was originally approved in the FY 2015 budget.

Subsequently, on February 26, 2016, the Village issued an Invitation to Bid (ITB #2016-001) and received two (2) bids. The low bid of \$280,198 exceeded the \$160,000 budgeted amount (by \$120,000) and Eckler Engineering's construction estimate of \$175,000. As a result, the Public Service department is recommending that significant modifications to the project be completed in order to reduce the overall construction cost.

The original scope of work provided within Task Order #146 included a concrete parking

area under an enclosed structure with roll-up garage doors. Many of these features have been determined to not be necessary as this new building is intended to protect sensitive maintenance parts and equipment from the weather and to prolong the service life of our equipment.

The proposed change order would authorize the completion of all engineering services associated with the redesign, permitting, bidding and construction services. The costs to provide these services are as follows:

. Engineering Design	\$10,000 (not-to-exceed)
. Construction Services	\$ 8,400 (not-to-exceed)

Eckler Engineer estimates that the new construction cost for this project will be within the \$160,000 that is funded within the FY 2017 Water and Sewer Budget.

Further, Eckler has committed to completing the design work and permitting for this project within 28 days from the notice of commencement. The project is expected to be constructed by the summer of 2017.

The proposed change order to Task Order #146 has been prepared by Eckler Engineering and has been reviewed by the Public Service Director, the Assistant Public Service Director and the Village Attorney.

FISCAL IMPACT:

Funding to support the design and construction services for the new utility storage building is available within the FY 2017 Budget – Water and Sewer Fund.

5. Approve Library Annual Plan of Service - FY 2016-2017

Village Manager Reade stated that the Library staff requests approval of the Fiscal Year (FY) 2016-2017 Annual Plan of Service, which is developed to meet the requirements established by the State Library of Florida in order to qualify for State Aid grant funding. This Plan is submitted in November of each year.

By completing this Annual Plan of Service, the Village is expected to receive State Aid Grant funds (approximately \$21,600) to support the programs and services that are offered by the Library within the coming fiscal year.

The Library Board considered the proposed Annual Plan during their September 20, 2016 meeting and recommended approval.

FISCAL IMPACT:

State Aid Grant funding is expected to be received to support Library programs and services.

6. Approve Revised Sodium Hypochlorite Purchase Agreement - Piggyback - Public Service Department

Village Manager Reade stated that the Public Service Department, throughout the year, has a need to select a vendor to purchase sodium hypochlorite, a disinfectant, which is a requirement of the Village's water treatment process; thus, enabling the Village to provide safe potable (drinking) water to our customers.

To ensure the lowest possible price, the Village, on September 8, 2016, piggybacked off the current City of Stuart's contract awarded to Allied Universal Corporation. Subsequently, the following two (2) relatively minor revisions are requested to be approved to the approved Agreement with Allied Universal:

. Section 5. Compensation to VENDOR.:

The actual compensation per gallon amount is specified by adding the phrase "which is the \$0.568 per gallon, delivered"

. Section 6. Miscellaneous Provisions. 6.10 Effective date and term:

Rather than automatically extending the Contract if approved by the City of Stuart, the Village's Contract may be extended for the same term upon the approval of the Vendor and the Village Manager

If approved with these revisions, the Village would continue to accept Allied Universal Corporation's pricing by piggy-backing off the City of Stuart's contract including all terms, conditions and pricing there in. The initial term of the contract expired on September 30, 2016, and has been extended to September 30, 2017.

The proposed revised Agreement was prepared by the Village Attorney and reviewed by the Public Service Director and the Assistant Public Service Director.

The Village has worked with the proposed vendor previously and has provided excellent service and a quality product.

FISCAL IMPACT:

Funding to support the purchase under the proposed revised contract is available within the FY 2017 Water & Sewer Enterprise Fund - Chemicals.

7. Approve Memorandum of Understanding - Article 39 - Compensation Plan - Service Employees International Union/Florida Public Services Union (SEIU/FPSU) Agreement

Village Manager Reade state that the Village Council and the Service Employees International Union/Florida Public Services Union (SEIU/FPSU) previously approved a three (3) year contract beginning (retroactively) October 1, 2015 and expiring on

September 30, 2018. However, this agreement did not include the salary increases for FY 2017 that was previously approved by the Palm Beach County Police Benevolent Association (PBA). In an effort to ensure fairness and consistency with all employees, the same salary increase for FY 2017 was offered to SEIU/FPSU.

As a result, a proposed change to the existing SEIU/FPSU contract includes the following:

Article 39 – Compensation Plan:

All unit members will receive a 2% increase Across the Board and 2% MERIT on their anniversary date with an evaluation score of 28 or above (for non-supervisors) for year two of the contract (beginning 10/1/2016). Passing evaluation scores for supervisors will remain the same (not proposed to be changed).

Note: The proposed salary increase for FY 2017 is identical to the increase that was ratified and accepted by the PBA and included within the Village's approved FY 2017 Annual Budget.

The SEIU/FPSU membership held a vote on Friday, September 28, 2016 that resulted in the ratification of the proposed salary increase language by a unanimous margin of 26 Yes votes and 0 No votes.

The ratification vote and the proposed salary language are memorialized in a proposed Memorandum of Understanding (MOU) that was prepared by the Village Attorney and reviewed by Human Resources and the Village Manager.

If approved by the Village Council, the proposed FY 2017 salary increase will be effective immediately and will be paid out within the 1st payroll check of the new fiscal year.

FISCAL IMPACT:

The impacts related to the proposed salary increase have been included within the approved FY 2017 budget.

PRESENTATIONS

8. Presentation of \$50,000 by David Dearth, Park Manager of MacArthur Beach State Park Florida Recreation Development Assistance (FRDAP) Grant Check - Florida Department of Environmental Protection (FDEP) – Foxtail Palm Park (Kirk Road and Park Lane)

Village Manager Reade stated that the Village of Palm Springs has received a \$50,000 Florida Recreation Development Assistance (FRDAP) Grant from the Florida Department of Environmental Protection to support the costs associated with Phase I of

improvements to develop the new Foxtail Palm park on the property that was dedicated to the Village by Palm Beach County on the northeast corner of Park Lane and Kirk Road.

As a result, Mr. David Dearth, Park Manager – John D. MacArthur State Park, is expected to represent the FDEP and present the Village with a ceremonial check for the proposed new neighborhood park during the October 13th Council Meeting. On April 14th, 2016, the Village approved utilizing the Palm Beach County Community Development Block Grant (CDBG) in the amount of \$99,365 to fund Phase I upgrades to this park. This project is proposed in the Village's Capital Improvement Program at an estimated total cost of \$149,365 utilizing both of these funding sources.

The proposed park improvements will serve the nearby residents by providing usable open space and neighborhood park improvements within walking and biking distance. In 2012, the property was transferred from Palm Beach County to be developed as a public park after the Village annexed the surrounding residential area. Originally there was a drainage easement placed on the property for future possible widening of Kirk Road, however, the Village has been notified that the County has agreed with our request to remove the easement.

Note: An item has been scheduled to be included on the PBC Commission November 1st Agenda to remove this easement to allow for the development of this parcel as originally intended.

The park plan will be designed by a professional which will include the following: preparation of the property to turn the barrow pit lake into a focal point with a walking trail around its perimeter and fountain in the center, playground equipment, landscaping and irrigation system, and paved parking lot with an ADA walkway.

Phase II amenities have been identified such as a picnic pavilion and water fountain when funding becomes available. A potential source for the funding could be the FY 2017-2018 CDBG funding allocation.

FISCAL IMPACT:

The FRDAP Grant will assist in supporting the projected Phase I costs for the development of the Village's new Foxtail Palm Park.

The Mayor thanked Mr. Dearth and the Office of Environmental Protection Agency for this grant.

Village Manager Reade stated that State Representative Kerner could not be here tonight but will attend the ribbon cutting ceremony.

PUBLIC HEARINGS

Clerk stated that said ordinance was advertised in the Lake Worth Herald on August 18,

2016. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

9. Ordinance 2016-12 - Comprehensive Plan Text Amendment – “College-Hospital Overlay” (CHO) District - South Congress Avenue

Village Manager Reade stated that the following the completion of the Congress Avenue Corridor Study, staff has drafted provisions for a new zoning overlay district to encourage re-development near Palm Beach State College and JFK Hospital. As a result, a new College-Hospital Overlay (“CHO”) district is proposed to expand development allowances and flexibility to create value-added opportunities along the south Congress Avenue corridor.

The CHO is established in recognition of the 30,000+ students and 2,500 staff that attend and work at Palm Beach State College (a commuter campus) and the 500 doctors and 2200 health care professionals that provide care to patients at the 472-bed JFK Hospital (a full service surgical and emergency facility). Both institutions are located along south Congress Avenue and there is a need for retail, restaurants and personal services in proximity to these important institutions.

The proposed Overlay would increase the maximum development potential to thirty-five (35) dwelling units per acre and 1.0 FAR for mixed use projects within the outlined area. This is an increase of 15 du/ac and 0.5 FAR over what is currently permissible. The allowances of the Overlay would only be utilized within a mixed-use planned development that fulfills the objectives of the CHO - to provide retail, restaurant and personal services or housing to support the nearby college and hospital uses.

The proposed ordinance was prepared by the Village Attorney and reviewed by the Land Development Director.

The Land Development Board held a workshop during their June 14th meeting to discuss the proposed Overlay allowances, standards and restrictions. Further, the proposed comprehensive plan language was considered at their July 12th meeting and recommended approval. Additionally, the Board considered requests from two property owners with vacant parcels (Seaglades Investment Company and 3200 Lake Worth Road LLC) to expand the Overlay area to include their properties (located south of Lake Worth Road and north of the L-12 canal) during its August 9th meeting, and recommended approval.

Note: If the proposed expanded area is approved, the amended CHO boundaries would include approximately 21 acres on the north side of the canal, which may also be developed to support the college and hospital uses.

The Local Planning Agency (LPA) will consider the proposed comprehensive plan amendment during its October 13th meeting, and their recommendation will be provided to the Council prior to 2nd and final reading.

The proposed ordinance was approved on 1st reading during the September 8, 2016 Council Meeting and is being presented for 2nd and final reading following transmittal to the Florida Department of Economic Opportunity (DEO) and State agencies for review.

FISCAL IMPACT:

Increased development entitlements are expected to facilitate re-development and, thereby, increase property values within the area.

Mayor opened the meeting to the public. There was a comment from the public.

Kelly Pointer of Sealand Investment Company in favor of Ordinance No. 2016-12 for economic growth and the jobs that it will bring to the area.

Mayor Smith asked for a motion to approve Ordinance 2016-12, a motion was made by Council Member Gunther seconded by Council Member Shields. Roll Call Vote, Motion carried 5-0.

Clerk stated that said ordinance was advertised in the Lake Worth Herald on September 29, 2016. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

10. Ordinance No. 2016-18 – Land Development Regulations (LDR) Text Amendment – “College-Hospital Overlay” (CHO) District – South Congress Avenue

Village Manager Reade stated that following the completion of the Congress Avenue Corridor Study, staff has drafted provisions for a new zoning overlay district to encourage re-development near Palm Beach State College and JFK Hospital. As a result, a new College-Hospital Overlay (“CHO”) district has been approved by the Village Council (Ordinance 2016-12) to expand development allowances and flexibility to create value-added opportunities along the south Congress Avenue corridor. As a result of the recently approved Comprehensive Plan Text Amendment, the Land Development department staff is recommending various amendments to adopt specific zoning allowances within the Village’s Land Development Regulations.

Specifically, the proposed new Overlay regulations, if approved, would implement the following amendments:

- . A reduction in parking requirements, or use of different parking ratios, in consideration of the persons served by the uses in the CHO (i.e., students, medical staff, seasonal residents) and shall be approved as standards of the mixed use project
- . Increase in maximum development potential to 35 dwelling units per acre and 1.0 FAR for mixed use projects within the proposed area (See Map)

Note: The proposed amendment is an increase of 16 du/ac and 0.5 FAR over what is currently permissible and the proposed allowances of the Overlay would only be eligible to be utilized within a mixed-use planned development that fulfills the objectives of the CHO (i.e., to provide retail, restaurant and personal services or housing to support the nearby college and hospital uses).

The proposed ordinance was prepared by the Village Attorney and reviewed by the Land Development Director.

The Land Development Board considered the proposed zoning amendments during its July 12th meeting and recommended approval.

If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on November 10th.

FISCAL IMPACT:

Increased development entitlements should facilitate redevelopment and, thereby, increase the property values within the area.

Mayor opened the meeting to the public. There were no public comments.

Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

Mayor Smith asked for a motion to approve Ordinance 2016-18, a motion was made by Pro Tem Waller, seconded by Vice Mayor Brinkman. Roll Call Vote, Motion carried 5-0.

11. Ordinance No. 2016-19 – Village Code Amendment – Minor Special Exception Uses

Village Manager Reade stated the Land Development staff is recommending an amendment to Village's Land Development Regulations (LDR) Code that would enable administrative review and approval of "minor" special exception uses to promote business-friendly procedures and enhance re-development opportunities.

The proposed ordinance provides code amendments that define "minor" special exception uses as those with 3,000 s.f. or less, with the exception of several uses (i.e., nightclubs, drive-thru facilities, vehicle sales, etc.), which will continue to require Council approval regardless of size and/or location.

The proposed amendment has been developed by staff and workshopped with the Land Development Board during its August 9th meeting. Additionally, the Board considered the proposed Code amendment during its September 13th meeting and recommended approval.

The proposed Code Amendment was prepared by the Land Development Director and reviewed by the Village Attorney.

If approved on first reading, the proposed ordinance will be presented to the Village Council for 2nd and final reading on November 10, 2016.

FISCAL IMPACT:

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

Mayor Smith asked for a motion to approve Ordinance 2016-19, a motion was made by Vice Mayor Brinkman, seconded by Council Member Gunther. Roll Call Vote, Motion carried 5-0.

Actions and Reports

Village Manager Reade thanked the Mayor and Council for all their support during the hurricane. The emergency Resolution 2016-72 will dissolve on its' own as it is no longer needed for the hurricane. The Utility billing staff has been working on updating the bills to make them easier to read. Another item is the new radio system for the Police Department, the County wants to know if we will be moving forward to tie in with their system. Movie night will be October 21- Goosebumps. The Fall Festival will be Thursday, October 27th from 5:30 to 8:30 p.m. students from G Star will be assisting us. There will be a costume contest and pumpkin patch in the courtyard. The hurricane training exercise was held in the Council Chambers. We had held Planning meetings in advance of the storm so we would be prepared. The Police Department as well as the rest of the departments were all in attendance for these meetings. Telephone lines and data lines had all been set up previously. Brought in staff to clean the streets early and drove around the Village and checked on residents. Thanked all the department heads for all their work.

Council Comments

Council Member Shields thanked the Police Department and Village Manager Reade for their help during the storm.

Vice Mayor Brinkman commended the staff for the work they did prior and after the storm.

Council Member Gunther thanked the staff.

Mayor Pro Tem Waller thanked staff and reminded everyone about "Reading for the Record" on October 27th at the grammar schools.

Mayor Smith thanked all the staff for their efforts with regards to the storm.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Mayor, Bev Smith

Susan Caljean, Village Clerk

**NEXT REGULAR MEETING:
NOVEMBER 10, 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.