

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, November 7, 2016

4:30 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

*Anne Gerwig, Mayor
John T. McGovern, Vice Mayor
Michael Drahos, Councilman
Michael J. Napoleone, Councilman
Tanya Siskind, Councilwoman*

1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 4:30 P.M.

Council members present: Anne Gerwig, Mayor; John McGovern, Vice Mayor; Michael Drahos, Councilman, Michael Napoleone, Councilman, Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Rachel R. Callovi, Clerk.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. [16-0626](#) EMPLOYEE OF THE MONTH FOR NOVEMBER, 2016 – KIM EIKOV

Mr. Schofield introduced the item.

Ms. Gibbons gave an overview of Ms. Eikov's history and service with the Village. Council extended their congratulations.

4. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the November 8, 2016 Council Meeting for discussion and review.

A. [16-0644](#) 2018 BACON AND BOURBON FEST REQUEST FOR CO-SPONSORSHIP/PARTNERSHIP

Mr. Schofield introduced the item. This item is for the approval of the Delray Beach Arts, Inc. for co-sponsorship/partnership of the Wellington Bacon and Bourbon Fest and authorization for the Village Manager to execute a sponsorship/partnership.

Mr. Barnes provided an overview of the request. He explained due to changes in the conditions and the relationship with the Delray Beach community some of the applicant's ongoing annual events will be moving locations and noted the current year's Garlic Fest event will be held at John Prince Park. He said in order for the applicant not to lose their previous vendors and in an effort to start promoting the 2018 event, they decided to rebrand and hold the Bacon and Bourbon Fest in Wellington.

Mr. Barnes explained a tour of the Town Center grounds was provided, which included the amphitheater, the interior of the Wellington Community Center building, the outside green area open space and the parking area where the food trucks park. He explained all the areas would be used for different components of the event and said the entire Town Center property was needed to accommodate the event. He noted that the applicant explained that the logistics of the site would prevent a fully ticketed event but by changing the parameters, using a different plan as in the past and using the community center differently, they felt presented great opportunities for the event. Mr. Barnes explained the centralized location of the Town Center and the

community appealed to the applicant who indicated their request to move forward with a partnership agreement with Wellington which would cover the rental cost of the space.

Mr. Barnes said in order for a large event of this nature to be a success, staff would not schedule any other events on the grounds, community center or amphitheater during the scheduled dates of the event. He noted the applicant would supply all the staff and volunteers required for the preparation, setup, cleanup, and security for the event but if additional backup staff time was needed, the applicant agreed to pay for those Village staff hours.

Councilman Drahos questioned the anticipated number of people who would be attending the event. Mr. Barnes indicated it is anticipated there will be between three to five thousand people. He explained off site parking would be beneficial. The Wellington Professional Center on Ken Adams Way, Chancellor Corporate Center and the Wellington Green Mall parking would be used as in the past for different events. He further noted, the date of the event was March 23 & 24, 2018.

In reply to Councilman Drahos' question regarding the hours for the event, Mr. Barnes noted the event would start at 4:00 P.M. on Friday and end at 10:00 P.M., and 11:00 A.M. until 10:00 P.M. on Saturday. He explained the setup hours would start on Thursday at noon and last until 7:00 P.M. Councilman Drahos expressed his concern for starting a two day event on a Friday instead of on a Saturday.

Me. Schofield said after staff's discussion with the organizers of the event regarding the contract, information would be provided to Council for further direction.

Council consensus was to have the organizer of the event provide their presentation at the Council Meeting and afterwards provide direction to staff.

There were no changes recommended.

B. [16-0620](#)

MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETINGS OF SEPTEMBER 27, 2016, OCTOBER 13, 2016 AND OCTOBER 25, 2016

Mr. Schofield introduced this item. This item is for the approval of the Minutes of the Regular Wellington Village Council Meetings of September 27, 2016, October 13, 2016 and October 25, 2016.

There were no changes recommended.

C. [16-0517](#)

AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR SUPPLY, DELIVERY AND INSTALLATION OF LANDSCAPE MATERIALS

Mr. Schofield introduced this item. This item is for the authorization to renew existing contracts for supply, delivery and installation of native plants, aquatic plants, trees, shrubs and groundcover for various locations, Village-wide on an as-needed basis in the amount of approximately \$45,000 annually.

Mr. De La Vega explained the two-year contract went out to bid in 2014 with two additional one year renewals. He noted a price increase has not been received from the four suppliers that were awarded the contract and the

renewal of the contract enables staff not to obtain three quotes for landscape material.

There were no changes recommended.

D. [16-0625](#)

AUTHORIZATION TO UTILIZE EXISTING CONTRACTS FOR VARIOUS 2017 PUBLIC WORKS PROJECTS

Mr. Schofield introduced this item. This item is for the authorization to utilize previously awarded contracts for various 2017 public works projects, exceeding \$25,000 in cost.

Mr. Schofield directed Council to item number 2 of the summary page (page 101 of the agenda) and explained the Village of Wellington was not providing complete vegetation removal in the canals. He indicated, at times dredging was done in order to bring the bottom of the canal to the selected section and the vegetation would be removed for a life safety or a structural issue occurs.

Vice Mayor McGovern questioned if vegetation removal was being handled on a case by case condition. Mr. Schofield said staff was following previous Council's direction, and removing vegetation on a case by case basis.

Mr. De La Vega noted the projects delineated in the agenda item were previously approved by Council and indicated staff provided a list of the projects scheduled for 2017 that have existing contracts.

Mayor Gerwig said she was pleased to see the Binks Forest Drive Pathway resurfacing project was on the list because of the complaints received from the residents and asked if the tree roots would be removed. Mr. Barnes noted the tree root removal was included in the plans and indicated the resurfacing would be done to both sides of the street.

There were no changes recommended.

E. [15-1024](#)

AUTHORIZATION TO RENEW AN EXISTING AGREEMENT TO PROVIDE AQUATIC VEGETATION CONTROL TO CANALS AND LAKES VILLAGE-WIDE

Mr. Schofield introduced this item. This item is for the authorization to renew an existing agreement with Clark Aquatic Services, Inc. to provide aquatic vegetation control to canals and lakes Village-wide, at an annual cost of \$451,413.83.

Angelo Fanelli from Clarke Aquatic Services, Inc., explained during the past year there was a 5% spread of the limnophila which indicates containment. He said that limnophila was not as aggressive as hydrilla but was located in a fairly large area within the Village waterways.

Mayor Gerwig said residents have asked her what type of chemicals were being added to the water when the banks were being sprayed for weeds and asked if the product poses a danger to the fish. Mr. Fanelli explained the herbicides used to kill the weeds would not pose a threat to the fish when adhering to the proper regulations and following the instructions on the label; the risk was minimal. He explained the only real risk was if there was a large amount of vegetation or if a large amount of vegetation was being killed at

one time, because the amount of oxygen becomes lower in that instance, which in turn, triggers the fish kill. He noted the situation would only happen in a contained body of water where the fish can not leave the area, trapped, and not able to breath due to the lack of oxygen. He stated most of the Village's waterways were connected and the fish were not contained and able to swim to the other areas. He said during the current year the amount of fish kills have remained low, due to the large amount of rain fall during the dry season.

Mr. Schofield said as long as he has worked for the Village, he has not seen a fish kill due to chemical treatments.

There were no changes recommended.

F. [16-0605](#)

RESOLUTION NO. R2016-76 (EMPLOYEE HEALTH INSURANCE)

A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL AUTHORIZING THE MANAGER TO (1) RENEW A MINIMUM PREMIUM ARRANGEMENT AGREEMENT WITH CIGNA HEALTHCARE TO PROVIDE HEALTH INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS AND RETIREES; (2) CONTINUE WITH SELF FUNDED DENTAL INSURANCE UTILIZING DENTAL DECISIONS ADMINISTERED BY ANCHOR BENEFIT CONSULTING, INC.; (3) RENEW AGREEMENT WITH HUMANA TO PROVIDE VISION INSURANCE; AND (4) APPROVE HRA FUNDING FOR EACH ELIGIBLE EMPLOYEE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for authorization to (1) Renew an existing minimum premium arrangement agreement with CIGNA HealthCare to provide health insurance to eligible employees, dependents and retirees, at a cost of approximately \$4,859,249.04; (2) Continue with self-funded dental insurance utilizing Dental Decisions administered by Anchor Benefit Consulting, Inc., at an annual cost of #304,593.84; (3) Renew existing agreement with Humana to provide vision insurance to eligible employees and dependents at a cost of approximately \$33,300 annually; and (4) Approve HRA funding for each eligible employee at \$1,113.00 per employee.

Mr Schofield noted, staff's recommendation was to maintain the same coverage with the same carrier.

Mr. De La Vega provided a brief overview. He indicated the CIGNA plan was a minimum premium arrangement plan which was similar to a hybrid plan. The amount of \$4.8 million was the cap amount for the plan and the Village would not pay anything over that amount. If the Village incurs catastrophic claims in the amounts of \$5.5 million to \$6.0 million, the Village was capped at the \$4.8 million rate. He said if the Village's claims come in at \$4.2 million on a good year, the Village would pay the \$4.2 million amount and not the \$4.8 million amount which was the cap amount.

Mr. De La Vega said the Humana plan was capped, but the Village pays the full amount regardless of what the amount of the claims were and noted that Baptist and Tenant Health Care Systems were not included in their coverage which include the following facilities; 1) Delray Medical Center; 2) Good Samaritan Medical Center; 3) Palm Beach Children's Hospital; 4) Palm Beach

Gardens Medical Center; 5) St. Mary's Medical Center; 6) West Boca Medical Center. The facilities mentioned would be considered out of network facilities and the employees would pay higher deductibles as opposed to copays for medical services.

Mr. De La Vega compared the United HealthCare plan to CIGNA, and explained the plan cost was lower than CIGNA, but utilizes a tier plan for the Rx Program and categorizes by drug cost as opposed to drug type which increases the Rx cost to the employees. He indicated the United HealthCare plan does not provide \$25,000 in Wellness dollars and noted the plan limits lab visits to one facility, Lab Corp. Under the existing CIGNA plan, employees were allowed to utilize Lab Corp and Quest Diagnostics for lab work.

Mr. Schofield introduced Mr. Bergstrom.

Christian Bergstrom, from the Gehring Group summarized the reasons for the Village to remain with the current provider, CIGNA; 1) He explained the lowest cost bidder was Humana, but Humana does not have a contract with Baptist and Tenant Health Care Systems and in Palm Beach County nor do they cover a trauma or NICU hospital under their plan. He noted due to that reason it was difficult for him to recommend Humana.

2) He explained in the past with United Healthcare plan there were discrepancies with their current levels of service, but was a fully insured plan but if the Village's claims came in lower than the set premium charged, the premium would need to be paid.

3) He said under the CIGNA plan, the claims would never exceed the \$4,859,249.40 but if the claims incurred were lower than the maximum cost, the Village would retain all the surplus funds. He noted during the past six months the Village's claims have not exceeded the claims liability amount by \$20,000.00 and that amount remains in the Village's account. He said the renewal with CIGNA would indicate that there would not be any changes to the policy schedule or coverage levels and the co-payments would remain the same.

There were no changes recommended.

G. [16-0627](#)

RESOLUTION NO. R2016-77 (ADOPTING A REVISED PUBLIC PURPOSE EXPENDITURE POLICY) AND REPEAL OF THE VILLAGE'S EXISTING PUBLIC PURPOSE EXPENDITURE POLICY - RESOLUTION NO. R2013-51.

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A PUBLIC PURPOSE EXPENDITURE POLICY; REPEALING RESOLUTION NO. R2013-51; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2016-77 (adopting a revised Public Purpose Expenditure Policy) and repealing the Village's existing Public Purpose Expenditure Policy - Resolution No. 2013-51.

Mr. De La Vega explained the prior policy was passed in 2013 and the change to the current policy would allow the Village Manager to authority to conduct meeting that serve a public purpose which may extend through breakfast,

lunch or dinner and allow to conduct Village business that extends through breakfast, lunch or dinner, where the primary purpose of the meeting or activity was not a meal. An approval from the Village's Director of Financial and Administrative Services would be needed.

He noted he contacted the Palm Beach County Office of Inspector General (OIG) regarding the issue they agreed with the revisions due to having control in place with the revised procedure.

Mayor Gerwig asked if there were limits to the amount being spent. Mr. Schofield said the limit was \$15.00.

She said the amount of \$15.00 was a good investment for the Village and she noted she has not received any negative feedback from the residents regarding reasonable meal expenses. She indicated the residents do not agree to having steak lunches every week and no using the time to conduct Village business.

Vice Mayor McGovern agreed with the revision to the policy.

Councilman Napoleone said the revision enables working the entire day including working through meals.

Council agreed with the policy.

Mayor Gerwig asked Mr. De La Vega if he had researched the other municipalities regarding their expenditure policies. Mr. De La Vega said he has not surveyed other municipalities but noted after contacting the Palm Beach County Office of Inspector General (OIG) regarding the issue they agreed with the revisions.

Mayor Gerwig said by adopting the revision, the Village was working in an efficient manner while serving the public. Mr. De La Vega explained the OIG's concern was for the Village to adhere to the policy and in the past there was not a policy to follow.

There were no changes recommended.

H. [16-0568](#)

AUTHORIZATION TO AWARD CONTRACTS FOR THE 40TH STREET WATERMAIN PROJECT AND RESOLUTION NO. R2016-74 WHICH AMENDS THE FISCAL YEAR 2017 BUDGET AND APPROPRIATES THE FUNDS FOR PROJECT EXPENSE

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WATER AND WASTEWATER FUND MAJOR MAINTENANCE BUDGET FOR FISCAL YEAR 2016-2017 BY ALLOCATING FUND BALANCE TO THE 40th STREET WATER MAIN REPLACEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the authorization to award contracts to multiple vendors for the 40th Street Watermain project, as summarized, and to approve Resolution No. R2016-74 which amends the Fiscal Year 2017 Budget and appropriates the funds for project expense and ratifies the related emergency procurement purchase order issues October 26, 2016.

Mayor Gerwig suggested moving the item to consent agenda in order to have public comment. Council agreed to move the agenda item to the Regular Agenda. Mr. Schofield said the agenda item would be heard under Regular Agenda Item 8B.

I. [16-0645](#)

AUTHORIZATION TO AWARD A CONTRACT FOR THE 40TH STREET C-4/C-24 CULVERT PROJECT TO THE EDDIE HUGGINS LAND GRADING CO, LLC ASSOCIATED WITH THE 40TH STREET PROJECT, AND TO APPROVE RESOLUTION NO. R2016-79 WHICH AMENDS THE FISCAL YEAR 2017 BUDGET AND APPROPRIATES THE FUNDS FOR THE PROJECT EXPENSE

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE ACME IMPROVEMENT DISTRICT FUND MAJOR MAINTENANCE BUDGET FOR FISCAL YEAR 2016-2017 BY ALLOCATING FUND BALANCE TO THE 40th STREET CULVERT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the authorization to award a contract for the 40th Street C-4/C-24 Culvert project to The Eddie Huggins Land Grading Co, LLC associated with the 40th Street project, and to approve Resolution No. R2016-79 which amends the Fiscal Year 2017 Budget and appropriates the funds for the project expenses.

Vice Mayor McGovern suggested moving the item to consent agenda because the item was associated with the prior agenda item. Council agreed to move the agenda item to the Regular Agenda. Mr. Schofield said the agenda item would be heard under Regular Agenda Item 8C.

Mr. Barnes noted that each agenda item could exist without the other.

J. [16-0633](#)

RESOLUTION NO. R2016-71 (BINKS COMMERCIAL CENTER LOT 9 CONDITIONAL USE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE (PETITION NUMBER 16-87 / 2016-34 CU 1) FOR CERTAIN PROPERTY KNOWN AS LOT 9 OF THE BINKS COMMERCIAL CENTER; CONSISTING OF APPROXIMATELY 0.73 ACRE, MORE OR LESS, LOCATED IN THE SOUTHEAST CORNER OF BINKS FOREST DRIVE AND BENT CREEK ROAD ON PROFESSIONAL WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ALLOW A 3,600 SQUARE FOOT VETERINARY CLINIC IN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT SUBJECT TO CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. 2016-71, a Conditional Use (Petition No. 16-87/2016-34 CU 1) to allow a 3,600 square foot veterinary clinic on Lot 9 within Binks Commercial Center project

with conditions of approval as presented.

Councilman Napoleone recused himself from the meeting due to a conflict with Wantman Group, Inc. who was an existing client of his.

Mr. Basehart explained the agent for the current applicant was also the agent for the day care center located on the adjourning lot. He stated the Engineering Department estimated the cost of the turn lane and the driveway opening to be \$60,000 and his expectations was for both businesses would get together and split the cost.

Councilman Drahos stated residents have commented regarding the safety risks of having a second entrance at the site and questioned if the Village needed to comply with the previous mandate. Mr. Basehart explained the additional entrance was a suggestion provided by the Village's traffic consultant due to several problems, including the difficult access into the development in the morning and afternoon due the children being dropped off or picked up. He stated the only access to the development was on Bent Creek Drive and when traffic backs up, access was not available into the facility, which was a safety hazard and an inconvenience to other properties and businesses located within the development. He noted, eventually all fifteen lots would be developed.

Mayor Gerwig emphasized that another entrance to the development was necessary due to the traffic issues and the additional entrance should have been installed from the beginning.

Mr. Schofield explained staff could approve the condition of the turn lane and limited hours but if not approved that requirement would revert to the day care if they expand. He said Mr. Lundeen was currently checking the actual traffic counts. He noted the real problem was getting the children in and out of Binks Elementary and into the day care at the same time during the peak morning hours.

Councilman Drahos said that was the problem that came up when the item went through PZB and at that time he justified opening up the road because the day care was asking for relief for traffic.

Vice Mayor agreed with Councilman Drahos and indicated the day care has mentioned they were going to increase the size of their facility and bring in additional students.

Mr. Schofield suggested Council consider if the condition was going to be imposed, and if so, impose a condition with an agreement that includes anyone that develops over the next five to ten years would have to contribute a proportional share.

Mr. Schofield noted he would provide Council with the updated traffic counts for the area at the Council Meeting.

Council agreed to have staff ask the applicant what they would like to do moving forward. Mr. Schofield noted staff would provide Council with other options for the applicant at the Council Meeting.

At this point, Councilman Napoleone returned and joined the meeting.

There were no changes recommended.

K. [16-0583](#) ORDINANCE NO. 2016-22 (BOARDS AND COMMITTEES)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, 2-292 ENTITLED “REMOVAL OF BOARD AND COMMITTEE MEMBERS”; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval on second reading of Ordinance No. 2016-22.

There were no changes recommended.

L. [16-0584](#) ORDINANCE NO. 2016-19 (AMENDMENT TO CHAPTER 2, ARTICLE IV, SECTION 2-198 “HEARINGS” AND SECTION 2-201 “SERVICE OF NOTICE; METHODS”)

AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING CHAPTER 2, ARTICLE IV, AMENDING SECTION 2-198 ENTITLED “HEARINGS”; AMENDING SECTION 2-201 ENTITLED “SERVICE OF NOTICE; METHODS”; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Ordinance No. 2016-19 amending Sections 2-198 relating to hearings and Section 2-201 relating to service of notice methods for certified mail and publication to conform to Chapter 162.12, Florida Statutes and to clarify that Motions for Rehearing or Reconsideration are not permitted.

There were no changes recommended.

M. [16-0639](#) DISCUSSION OF THE VILLAGE ATTORNEY’S EMPLOYMENT AGREEMENT

Mr. Schofield introduced this item. This item is for Council discussion of the Village Attorney’s Employment Agreement.

Mayor Gerwig said she requested the evaluation forms in order to rank the Village Attorney and the Village Manager but she never received hers. Mr. Schofield said Council would receive the forms requested the following day.

There were no changes recommended.

5. WORKSHOP

None

6. ATTORNEY'S COMMENTS

Ms. Cohen noted a request was received from a company by the name of Paragon Group to lease property from the Village for cell towers and staff would keep Council apprised of the status of the request. She indicated the location sites requested were for a tower to be located at Ousley Farms Road and the other was at tree farm property that was swapped with the Palm Beach County School Board.

7. MANAGER COMMENTS

Mr. Schofield said staff started working on the 2017 Directions Workshop and he was commencing his Five Year Plan and was seeking Council's feedback.

He noted during the hurricane the Governor signed an order for the entirety of the State of Florida stating development orders should be extended by six months based on the disaster declaration. He said after he reviews the order, he would provide Council with additional information.

8. COUNCIL COMMENTS**9. ADJOURN**