

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, September 8, 2014

3:00 PM

Village Hall

Village Council Workshop

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Howard K. Coates Jr., Councilman
Anne Gerwig, Councilwoman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 3:00 p.m.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the September 9th Council Meeting for discussion and review.

A. [14-634](#) 2014 TOP COP AND TOP FIREFIGHTER PRESENTATIONS

Mr. Schofield presented the item. There were no changes recommended.

B. [14-665](#) MINUTES OF THE WELLINGTON COUNCIL MEETINGS OF JULY 8, 2014 AND JULY 22, 2014

Mr. Schofield presented the item.

Vice Mayor Greene indicated page 25, paragraph 4, referenced the storm never affected his property or quality of life. He wanted the record to reflect he was referring to the property of all residents.

Councilwoman Gerwig stated there were floating H's on pages 25 and 30.

Mayor Margolis noted a typo on page 47.

C. [14-626](#) AUTHORIZATION TO CONTINUE UTILIZATION OF REVENUE GENERATING CONTRACTS FOR CHEER AND DANCE, SWIMMING, TUMBLE TOTS AND TAEKWONDO

Mr. Schofield presented the item and explained the different contracts to Council. Mr. Delaney, Mr. Schofield and Mr. Barnes responded to Council's questions and concerns.

Councilman Coates expressed his concern regarding the revenue generated by not only these contracts but other for profit contracts, such as the Tennis contract, and asked if the Village could provide the same service at a lower cost to residents. He was not convinced the 70/30 split provided the lowest cost. Mr. Delaney explained the 70/30 percentage split between the Village and independent contractors was standard. He stated the service provider or independent contractor provided the expertise and the Village processed the registrations.

Councilman Willhite and Councilman Coates questioned why these service contracts did not go out for RFP's, even if the Village has built great programs and relationships with their current providers.

Vice Mayor Greene thought the current swim program brought people to Wellington and made them aware of what the Village had to offer. He said the Village would not be generating revenue and the facilities would not be utilized if these operators and services were not in place. He stated they either take 100% of nothing or 30% of whatever they brought in. He noted there was a significant cost to putting out an RFP.

Mayor Margolis indicated he had a problem with the Village switching head coaches for the swim program without going out for bid. Mr. Schofield indicated they could put this contract out for bid if Council desired.

Councilwoman Gerwig did not want to upset the current swim program, as there were no complaints from the residents. However, she thought there would be complaints if they made any changes.

Ms. Cohen suggested they limit RFPs to contracts that generated \$25,000 or more in revenue, per the Purchasing Manual, or they may have to submit RFPs for all service provider contracts and that would be a huge undertaking. She also explained why the tennis contract was different than these service contracts.

Councilman Coates questioned if the Village audited the service providers. Mr. Delaney indicated an audit was just performed on the Wellington swim organization by the Village's internal auditor. Mr. Schofield stated they did not audit their books but audited the agreements for compliance. He stated he would get that information to Council.

Councilman Coates wanted to audit the books of any independent contractor providing a service to the Village. He thought they should have the same level of transparency as the Village, so Council and residents know how their taxpayer money is being spent.

Councilwoman Gerwig thought requesting RFPs would provide a chilling effect to a service provider who has worked to build a program and clientele as well as prevent other providers from wanting to provide a service to the Village.

Councilman Coates indicated local dance studios rented space and were competing with the dance program in Wellington that was using Wellington taxpayer facilities to provide the same service. He thought if the dance program and other providers were utilizing taxpayer funded facilities to run a private business, they should expect a higher level of scrutiny and transparency.

Councilwoman Gerwig suggested they move to an hourly rental rate and not worry about auditing the independent contractors or service providers.

Councilman Willhite was concerned about the closure of the pool and parks. He said the pool has been closed on weekends and Mondays because of underuse. However, it was not closed for swim groups or for-profit companies. He said it was the same with the parks being closed on holidays, as they should be open when the residents are off from work and not just when third party providers want to utilize them.

Mr. Schofield suggested they move this item to the Regular Agenda for Council to give staff direction. Councilman Willhite agreed. Councilwoman Gerwig asked that the providers be notified so they could comment if interested.

D. [14-582](#)

AUTHORIZATION TO AWARD A CONTRACT FOR THE WATER RECLAMATION PLANT AERATION TANK REHABILITATION PROJECT

Mr. Schofield presented the item. Mr. Riebe explained the project and responded to Council's questions regarding the bids. There were no changes recommended.

E. [14-637](#)

RESOLUTION NO. R2014-51 (APPROVAL AND ACCEPTANCE OF PIERSON ROAD EASEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING AN EASEMENT ALONG PIERSON ROAD IMMEDIATELY ADJACENT TO THE PALM BEACH EQUINE CENTER LOCATED IN THE NORTHEAST CORNER OF THE SOUTHFIELDS PLAT – PHASE 1 OF PALM BEACH POLO AND COUNTRY CLUB – WELLINGTON COUNTRY – PUD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item. Ms. Cohen and Mr. Riebe answered Council's questions regarding the easement being granted by the HOA. There were no changes recommended.

F. [14-579](#)

FIRST PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2014/2015 BUDGET AND ADOPTION OF THE FY 2014/2015 CAPITAL IMPROVEMENT PLAN

Mr. Schofield presented the item. Ms. Quickel stated she had a presentation for Council. Council agreed to hear the presentation at the Council Meeting.

Mr. Schofield briefly reviewed the costs, hours and pros/cons of a four versus five day work week.

Councilman Coates asked Ms. Quickel to be prepared to discuss the budget numbers for a four versus five day work week.

Vice Mayor Greene was not convinced the Village needed to go to five day work week. He thought employee and community needs were being met.

Councilman Willhite asked that the percentages and numbers for either cutting or adding to the proposed trim rates be presented as well.

G. [14-677](#)

ADOPTION OF THE FY 2014/2015 ACME IMPROVEMENT DISTRICT BUDGET AND ASSESSMENT RATE

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item. Ms. Quickel stated Council would hear this item tomorrow night as well. There were no changes recommended.

Councilwoman Gerwig asked if she could have a copy of last year's budget for comparison. Ms. Quickel indicated she would provide that to her.

H. [14-640](#)

ORDINANCE NO. 2014-30 (FISCAL YEAR 2014/2015 CAPITAL IMPROVEMENTS ELEMENT UPDATE)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, UPDATING THE WELLINGTON COMPREHENSIVE PLAN BY INCORPORATING THE ANNUAL REVIEW AND REVISIONS TO THE CAPITAL IMPROVEMENTS ELEMENT TO REFLECT THE 2014/2015 THROUGH 2019/2020 FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR LEVEL OF SERVICE PROJECTS; AND UPDATING THE SCHOOL DISTRICT OF PALM BEACH COUNTY CAPITAL IMPROVEMENT SCHEDULE; PROVIDING FOR CONFLICT AND SEVERABILITY; AUTHORIZING THE MANAGER TO UPDATE THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield presented the item. Mr. Schofield explained the reason for this ordinance and that it would be presented in detail at tomorrow's meeting. There were no changes recommended.

I. [14-621](#)

AUTHORIZATION TO APPROVE FINANCING TEAM AGREEMENTS RELATED TO SADDLE TRAIL PARK IMPROVEMENT PROJECT

Mr. Schofield presented the item. Ms. Quickel reviewed the bond issuance process and purpose of the financing team. Ms. Quickel and Ms. Cohen responded to Council's questions regarding the financing team. There were no changes recommended.

J. [14-624](#)

DIRECTION REGARDING THE ANNUAL SOLID WASTE CONTRACT

Mr. Schofield presented the item. Mr. Barnes indicated there were no changes in the existing unit cost or terms in the Solid Waste contract offered to the Village. Ms. Cohen explained the case law regarding changes to and renewals of contracts as well as the Inspector General's findings. She also responded to Council's questions regarding the language in the Village's current contract with Solid Waste.

Ms. Cohen suggested if Council was going to change any material terms they rebid the contract. However, if they were going to renew the contract that they renew it under the exact same terms.

Councilman Coates was concerned if they put the contract out for RFP they would receive higher rates. He wondered if they could put specify an amount in the RFP and request bids be lower than what the Village is currently paying. He asked Ms. Cohen to have that information for Council tomorrow night. Ms. Cohen stated she would research it.

Vice Mayor Greene thought they should renew the contract.

Councilman Coates did not believe the Village had an enforceable contract and their only option was to rebid and send it out for RFP. Ms. Cohen suggested

Council request an RFP if there was that much discomfort.

Based on Council member concerns, Councilman Willhite recommended they err on the side of doing it properly and put the contract out for competitive bids, noting that bids could come in higher or lower.

Councilwoman Gerwig thought Council only had two choices at this point, take it or leave it.

Mayor Margolis stated he was hearing valid arguments. He was concerned the contract could get challenged and the Village could incur substantial costs to defend it.

K. [14-219](#)

AUTHORIZATION TO RENEW THE CONTRACT TO PROVIDE PROPERTY, CASUALTY AND WORKERS' COMPENSATION INSURANCE

Mr. Schofield presented the item. Mayor Margolis indicated he had to recuse himself as he sat on the League of Cities Insurance Trust.

Mr. De La Vega reviewed the changes to the Florida League of Cities contract for Council. There were no changes recommended.

L. [14-667](#)

DISCUSSION REGARDING RENTAL LICENSES FOR SINGLE-FAMILY RENTAL UNITS

Mr. Schofield presented the item. He provided some data on single family and multi-family rental units as previously requested by Council. Mr. Koch, Mr. Schofield and Ms. Cohen responded to Council's questions.

Mayor Margolis indicated he requested the information and wanted to bring this item up for discussion because one house can affect twenty homes in a neighborhood. He also said the neighborhoods wanted the same treatment.

Councilwoman Gerwig did not want the good landowners to be included or associated with the bad landlords. Ms. Cohen stated they could not do that as it would be hard to enforce and inconsistent application of the code.

Councilman Willhite supported the rental licenses and the fee, as he wanted people to be accountable. He said one problem home could destroy the value of the entire neighborhood.

Mayor Margolis believed rental licenses would provide another tool for Code Enforcement.

Mr. Koch explained the rental license would provide the contact information of the homeowner or property manager, which is their main problem. Mr. Stillings indicated it would also allow the Village to do annual external property inspections, which they currently cannot do.

Councilman Coates wanted to protect the individual homeowner who wanted to rent their home and not add any additional fees or burden to them. Mr. Schofield indicated if someone rented two or more homes they would have to be licensed.

Councilman Willhite stated he could not differentiate between single and multi-family rentals, as both should require licensing.

Councilman Coates questioned if the rental licenses could be issued for free or if there was a vendor involved. He asked what the cost would be to the Village if they charged the individual homeowners. Mr. Schofield stated it cost more than the \$100 fee to issue the licenses.

Mr. Schofield suggested they do a workshop to discuss this in more detail along with Safe Neighborhoods.

Councilwoman Gerwig thought they should do it through code enforcement and not go in the backyards unless there was a rodent problem or health issue. Mayor Margolis thought Council was asking for help from code enforcement on these properties, but Council was not helping Code Enforcement gain access to the rental properties.

Mayor Margolis asked to workshop this item. Mr. Schofield indicated Council would have to give that direction at tomorrow's Council Meeting.

3. WORKSHOP

4. ATTORNEY'S COMMENTS

5. MANAGER COMMENTS

Mr. Schofield stated he wanted to hire an attorney to represent Mr. Riebe as there was a complaint filed against him by the Professional Board of Engineers. Mr. Schofield and Ms. Cohen indicated the complaint was filed by Mr. Glenn Straub or his entities and related to the Blue Cypress code enforcement case.

Mayor Margolis asked for a copy of the complaint. Mr. Schofield stated he would provide that to them.

Council agreed to the hiring of an attorney for Mr. Riebe in his professional capacity as the Village Engineer.

6. COUNCIL COMMENTS

Mayor Margolis explained he had staff review a Council meeting to determine the cause of their lengthy Council Meetings. He said the results indicated Council members were speaking more than staff. He asked Council for solutions.

Mayor Margolis did not want to limit anyone from speaking.

Councilman Coates thought extending the meetings past 11:00 pm should be the exception and not the rule. He said the definite endpoint should be 11:30 or midnight and any business not done should be moved to the next meeting, with no new agenda item starting after 11:00 pm.

Councilman Willhite suggested starting the Council Meetings earlier. He also

believed Council needed to make decisions and not workshop so many agenda items.

Vice Mayor Greene recommended that each Council member monitor their time when speaking.

Mayor Margolis suggested they do more debate at Agenda Review and limit their discussion at the Council Meetings. Councilman Coates did not want to stifle the opportunity to debate on Council.

Mr. Schofield indicated the agendas were not heavier than past years, but the level of scrutiny had increased for this Council.

7. ADJOURN