

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, August 12, 2014

7:00 PM

Village Hall

Village Council

*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 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Rebecca and David Sier led the Pledge of Allegiance.

3. INVOCATION

Chuck Sier, Ward Mission Leader, Wellington Ward of the Church of Jesus Christ of Latter-day Saints, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the agenda recommending approving with one modification: staff was notified earlier that Congressman Deutsch would not be able to attend so that item would have to be rescheduled.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS**A. [14-547](#) PRESENTATION BY CONGRESSMAN TED DEUTCH**

This item was postponed.

B. [14-548](#) PRESENTATION BY PALM BEACH CENTRAL HIGH SCHOOL IN APPRECIATION OF WELLINGTON'S CONTRIBUTION TO PROJECT GRADUATION 2014

Mr. Schofield introduced the agenda item. Ms. Helen Cook, Project Graduation Co-Chair, and Ms. Donna Baxter, Palm Beach Central High School Advisor, addressed Council expressing their appreciation to the Village of Wellington for their support of Project Graduation. Ms. Baxter explained the Project Graduation concept. Ms. Cook and Ms. Baxter presented a plaque of appreciation to the Council.

C. [14-580](#) MINTO WEST PRESENTATION

Mr. Schofield introduced the agenda item. He announced that at the request of Council, members of the Minto West team would be making a presentation on their proposed project. Following that presentation, staff would give a presentation based on questions previously asked by Council.

Mr. Donald Hearing on behalf of Minto Communities gave a presentation on the proposed Minto West project. In attendance with Mr. Hearing were Mr. John Carter, Ms. Tara Dewey and Mr. Al Malefatto (Lewis & Longman) and their Traffic Consultant, Andrea Troutman.

Members of the public each spoke for three minutes spoke about the project. The comments were in opposition to the expansion of the project.

Mr. Stillings presented the staff's presentation and addressed Council's questions and concerns.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and passed (3-2) with Mayor Margolis and Councilman Willhite dissenting, that the Wellington Council neither supported or opposed the Minto development at this time and that no resolution be passed.

6. CONSENT AGENDA

Mr. Schofield presented the Consent Agenda recommending approval with minor corrections to the Minutes.

Councilman Willhite requested that item 5D be moved from the Consent Agenda to the Regular Agenda as item 8D.

There were no public comments on the Consent Agenda.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving the Consent Agenda as amended.

- A. [14-557](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MAY 27, 2014 AND JUNE 10, 2014
This item was approved on Consent.
- B. [14-209](#) AUTHORIZATION TO CONTINUE UTILIZATION OF CONTRACTS TO PROVIDE ATHLETIC TEAM OFFICIATING SERVICES
This item was approved on Consent.
- C. [14-211](#) AUTHORIZATION TO RENEW THE CONTRACT WITH BLACK FOREST ENTERPRISES, INC. (DBA GARDENSCAPES OF THE PALM BEACHES) FOR LANDSCAPE MAINTENANCE SERVICES OF ALL PARKS VILLAGE-WIDE
This item was approved on Consent.
- E. [14-544](#) RATIFICATION OF AN EMERGENCY PURCHASE FOR GENERATOR REPAIRS
This item was approved on Consent.
- F. [14-208](#) AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE SENIOR TRANSPORTATION PROGRAM SERVICES
This item was approved on Consent.

7. PUBLIC HEARINGS

A. [14-577](#) RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR SOLID WASTE COLLECTION AND WATER AND WASTE WATER UTILITIES

I. RESOLUTION NO. AC2014-06: A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE.

II. RESOLUTION NO. R2014-46: A RESOLUTION OF THE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the resolution titles. Ms. Quickel presented the staff report.

There were no public comments.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving Resolution No. AC2014-06 as presented.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving Resolution No. R2014-46 as presented.

B. [14-481](#) ORDINANCE NO. 2014-06 (ARTICLE 6 AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON BY REPEALING ARTICLE 6, CHAPTER 12, TEMPORARY SUSPENSION OF THE PROHIBITION OF THE USE OF TENTS AS STALLS WITHIN CERTAIN AREAS OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; AMENDING ARTICLE 6, CHAPTER 10, SECTION 6.10.9.D "USE OF TENTS AS TEMPORARY STALLS" TO INCLUDE PROVISIONS FOR NATURAL DISASTERS; PROVIDING FOR SEVERABILITY; PROVIDING A

REPEALER CLAUSE AND PROVIDIING AN EFFECTIVE DATE.

Mr. Schofield introduced the Agenda item. Ms. Rodriguez read the ordinance by title. Mr. Stillings presented the staff report. Council raised concerns about the definition of a natural disaster as they felt that the Federal language was too broad. They also raised concerns about how many stalls could be constructed while the barn was being rebuilt.

Mr. Schofield recommended that staff come back with language regarding what the Village would constitute as a natural disaster. He said that he would send the definitions to Council for their review prior to bringing this back.

With regard to the # of stalls, Mr. Schofield recommended that the stalls could not be more than what was provided in the building permit

There were no public comments.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene and passed (4-1) with Councilwoman Gerwig dissenting, postponing the second reading of Ordinance No. 2014-06 to the September 9, 2014 Council Meeting.

C. [14-543](#)**ORDINANCE NO. 2014-20 (ISLA VERDE RESIDENTIAL COMPREHENSIVE PLAN AMENDMENT)**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE SITE SPECIFIC MIXED USE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-64 CPA 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ALLOWED RESIDENTIAL UNITS FROM 230 TO 360 DWELLING UNITS, UPDATE THE FUTURE LAND USE MAP DESIGNATION TO THE CURRENT MIXED USE (TYPE 1) DESIGNATION AND DESIGNATE THE MAXIMUM DEVELOPMENT THRESHOLD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the ordinance by title. Ms. Cohen administered the oath to those people who indicated they would be speaking on this item. Council disclosed their ex-parte communications.

Mr. Stillings presented the staff report and addressed Council questions.

Mr. Al Malefatto, Lewis Longman and Walker introduced members of the team and made the presentation explaining the project.

During the public hearing representatives from the Stonehaven and Whipporwill communities addressed Council. They praised the applicant for working with them and helping to resolve some of their concerns. Both

communities wholeheartedly supported the project.

It was noted that the number of units were reduced from 360 to 350, and that change needed to be reflected in the resolution and on the site plan.

A motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) approving Ordinance No. 2014-20 on First Reading as amended.

8. REGULAR AGENDA

A. [14-588](#)

AUTHORIZATION TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE C-23 MULTIUSE PATH AND BRIDLE TRAIL

Mr. Schofield introduced the agenda item. Mr. Riebe presented the staff report. This item had been remanded to the Equestrian Preserve Committee who heard it on July 9th. He noted that the presentation to EPC included another option: Option #4 which was another way to look at the project. Mr. Riebe announced that the Committee voted unanimously for Option #2 which was staff's recommendation as well. He pointed out that there were no Palm Beach Point residents or anyone representing them at the EPC meeting even though they were notified.

Members of the Palm Beach Point community spoke during Public Comments and all supported Option #4.

Council discussed the disadvantages and advantages of the preferred option (Option #4) as opposed to the recommended option (Option #2).

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite authorizing the award of contract for the C-23 Multiuse Path and Bridle Trail using the recommendation of Option #2 for the crossing.

Mayor Margolis asked Vice Mayor Greene if he would include as part of the motion that if they found there were some issues with this option that Council could revisit it next year and amend it to Option #4. He said that he would feel comfortable if that was made part of the motion.

Vice Mayor Greene agreed to make that part of the motion that staff will monitor this and if there were problems that they could amend it to Option #4 at the same price. Councilman Willhite agreed to the second.

The amended motion was voted on and was passed 3-2 with Councilman Coates and Councilwoman Gerwig dissenting.

B. [14-439](#)

DIRECTION REGARDING SOLID WASTE ANNUAL CONTRACT

Mr. Schofield introduced the agenda item. He said that staff was seeking direction whether to extend, rebid or renegotiate. He had informed Council earlier that because of the lateness of the hour, the representative from Waste Management said that they would be amenable to not hold the Village to the specified notification date. Ms. Cohen recommended that Council hear this

item.

Ms. Ellen Smith, representative of Waste Management, thanked the Council for the opportunity to renegotiate with the Village.

Ms. Joann Stanley, Republic Services, introduced her firm to Council.

A motion was made by Councilman Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to authorize staff to negotiate with the current provider subject to staff bringing back to Council for approval whatever the negotiated terms are at which time, Council will then make the decision whether to go with the negotiated extension or to enter into an RFP. During this meeting and the next, staff should obtain an IG opinion regarding renewal with Waste Management.

C. [14-586](#)

OUTSIDE LEGAL FEES AND COSTS

Mr. Schofield introduced the agenda item. Ms. Cohen said that Council had previously authorized the retainment of outside counsel; however, the Village has experienced an increase in litigation. She explained that the Village's Purchasing Policy requires Council approval when fees exceed \$25,000. She noted that Mr. Riedi's firm was about to exceed that amount. Staff was requesting authorization to continue to utilize his firm. In addition, the Village continues to use Mr. Torcivia's firm for employment matters. Staff was asking for authorization to pay these fees and continue to use the firms.

There were no public comments.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving the continued use of outside professional legal services with the firms of Lehtinen Schultz Riedi Catalano de la Fuente, PLLC in an amount up to \$200,000 and up to \$50,000 for the Law Office of Glen J. Torcivia and Associates, P.A. for combined totals of up to \$250,000 for the 2013/2014 fiscal year.

D. [14-538](#)

**AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE
ENGINEERING SERVICES FOR THE SADDLE TRAIL PARK
(SOUTH) NEIGHBORHOOD IMPROVEMENT PROJECT AND
RESOLUTION NO. R2014-47 FOR BUDGET AMENDMENT
#2014-061**

RESOLUTION NO. R2014-47: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE BUDGET FOR FISCAL YEAR 2014 BY INCREASING REVENUE AND EXPENSE IN THE SADDLE TRAIL PARK CAPITAL SUBFUND FOR DESIGN COSTS OF THE SADDLE TRAIL PARK IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Mr. Riebe presented the staff report. Mr. Riebe explained that although the Village will be initially funding the project, it will all be refunded as part of the bond issue. He said that all costs will be accounted for and charged against the project. There is a financial risk to the Village if they change their minds and decide not to move forward after

this is approved. He explained that those fees that were expended up until that time would not be recovered by the Village.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Resolution No. R2014-47 as presented.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) provide authorization to award the contract to provide engineering services for the Saddle Park Neighborhood Improvement project.

9. PUBLIC FORUM

Mr. Larry Wallace, HOA, President of Little Ranches had submitted a request according to Village policy to speak for 15 minutes. Mr. Wallace felt that Little Ranches doesn't get the same attention as the other Equestrian Areas. He requested that their community be connected to Wellington's Equestrian Trail System. He also spoke about a parcel of property that is located at the south end of Cindy Drive that they would like to purchase. Mr. Schofield explained the history of that property and said that the Village would have a title search done on it.

Mr. Mark Hilton spoke about about the unhealthy conditions at 13777 Yarmouth Drive which he felt needed to be addressed by the Village which wasn't being done. Mr. Schofield advised Mr. Hilton that he would meet him at the property at 7:30 the next morning.

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report:

- She reported that she continues to provide Council with copies of the pleadings and to keep them apprised of what is happening. She advised Council to contact her if they had any questions about the pleadings.

11. MANAGER'S REPORTS

Mr. Schofield indicated that he had nothing to report.

12. COUNCIL REPORTS

Councilwoman Gerwig indicated that she had nothing to report.

Councilman Greene presented the following report:

- Councilman Greene said that he rode with PBSO Deputy Alex Nunez, last Friday. He spoke about the transitional neighborhoods and the unfavorable element and poor condition that they are in. He believed that the Village needed to make a strong statement that they don't want this in the community. He felt that nothing has been done in these communities. He noted that the communities that Wellington compares itself to other communities; however, he didn't believe that they have these types of neighborhoods. Vice Mayor Greene said that Wellington has to make a decision on the standards that they want. Mr. Schofield said that they have been making improvements, and disagreed that comparable municipalities like Boca and Jupiter do not have

some of the same, if not worse neighborhoods. He said that staff has tried putting ordinances in front of Council that have some substance; however, they can't do certain things because of State Statute.

Councilman Willhite presented the following report:

- Councilman Willhite said that he was on Council for the inception of the Safe Neighborhoods program. He recalled Mr. Hilton at one of the meetings that was held as one of the people who wanted to get involved and who stood up and told his neighbors that they were the problem. He was concerned when the Village doesn't respond to someone like him. He is still hopeful that they can make a difference in these neighborhoods. He wanted staff to schedule either a workshop or an agenda item to discuss the Safe Neighborhoods program.

- He announced that he appointed Tara Zimmerman to the Architectural Review Board.

- With regard to the Performance Evaluation procedure that was received for the Manager, he felt that they should also have a procedure to evaluate the Village Attorney as well. He felt that the procedure should be put in writing and input should be received from each Councilmember.

Councilman Coates presented the following report:

- He indicated that he would reserve his comments on Safe Neighborhoods until the workshop. He requested that it be scheduled as soon as possible.

- Councilman Coates recommended that they modify their Council procedures to provide citizens with two opportunities to make public comments: one at the beginning of the meeting and another at the end of the meeting so that they don't have to wait until late into the night in order to make comments. Ms. Cohen said that they have been working on finalizing the Council procedures and it does include the ability for comments to be made at two different times in the meeting.

Mayor Margolis presented the following report:

- He looked forward to the Safe Neighborhoods Workshop. He advised Council that he would have Ms. Adler schedule the workshop.

13. ADJOURNMENT

NOTICE