

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, November 11, 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 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Boy Scout, Nano Velez led the Pledge of Allegiance

3. INVOCATION

Rev. Rainer Richter, St. Peter's United Methodist Church, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the Agenda for approval recommending two changes: (1) Remove Congressman Deutch's presentation from the Agenda as he was unable to attend the meeting; and (2) Split item 8A into two parts: (a) Authorization to Enter into an Agreement for Solid Waste Consulting Services; and (b) Direction Regarding the Solid Waste RFP.

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

5. PRESENTATIONS AND PROCLAMATIONS**A. [14-920](#) PRESENTATION BY CONGRESSMAN TED DEUTCH**

Congressman Deutch's presentation had to be rescheduled.

6. CONSENT AGENDA

Mr. Schofield presented the Council Agenda recommending approval as presented.

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

A. [14-909](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF SEPTEMBER 23, 2014

This item was approved on Consent.

B. [14-897](#) CERTIFICATES OF CORRECTION FOR NON-AD VALOREM ASSESSMENTS

This item was approved on Consent.

C. [14-756](#) AUTHORIZATION TO AWARD A CONTRACT FOR UTILITY PROCESS CONTROL SYSTEMS MAINTENANCE AND

MODIFICATION TO PROCESS CONTROL CONSULTANTS, INC

This item was approved on Consent.

D. [14-885](#)

RESOLUTION NO. R2014-65 (DROWNING PREVENTION
COALITION "BUCKS" CERTIFICATE PROGRAM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO
EXECUTE AN INTERLOCAL AGREEMENT WITH THE DROWNING
PREVENTION COALITION OF PALM BEACH COUNTY TO
PROVIDE FOR VOUCHERS FOR FREE SWIMMING LESSONS
UNDER THE "BUCK PROGRAM" FOR FISCAL YEAR 2014-2015;
AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

7. PUBLIC HEARINGS

A. [14-780](#) ORDINANCE NO. 2014-22 (BINKS POINTE COMPREHENSIVE PLAN AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP (PETITION NUMBER 2013-61 CPA 2) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL RECREATION TO RESIDENTIAL "E" FOR CERTAIN PROPERTY KNOWN AS PARCEL "V" OF THE LANDINGS AT WELLINGTON PUD, TOTALING 0.26 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; 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.

Since this was a quasi-judicial hearing, Ms. Cohen administered the oath to those people who indicated they would be speaking on this item.

Council each disclosed their ex-parte communications.

At this point, Mr. Schofield announced that item B was a companion item to this Comprehensive Plan Amendment and that Council might want to consider one presentation for both items, and noted that they would require separate motions. Council agreed to hear one presentation for both items. Mr. Schofield said that Council's ex-parte communications would remain the same for both items.

Mr. Stillings presented the staff report and explained Agenda item R2014-27 would be heard together. The applicant and agent would provide a presentation for Council.

Jennifer Vail from Land Design South and Mike Smolak from Schickendanz Capital Group provided a presentation and answered Council's questions.

Public Hearing

A motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) to open Public Hearing.

1. Alan Zangen, 12008 South Shore Boulevard. Mr. Zangen stated that he represents Cypress Forest HOA, and he asked Council to consider several conditions that were presented to the developer. (1) One year rental restriction with limitations of five hardship units, and to include a restriction that the developer and the community would not be able to amend the restriction while they are in charge with less than 80% approval; (2) Construction access via

Flying Cow Road with a written approval in hand from FPL; (3) Construction hours limited to 7:00am to 7:00pm with no construction on Sunday; (4) Request was that the hedges be placed behind the five homes that Ms. Vail indicated in her presentation be a condition of approval. Ms. Vail agreed to contact the owners within the next thirty days.

2. Bart Novack, 15670 Cedar Grove Lane. Mr. Novack voiced his opposition to the project and raised several concerns: (1) the future traffic count going over the bridge was not yet known; (2) a traffic light and flashing signs were needed to slow down the oncoming traffic because the area was dangerous; (3) the build-out period should be two years; (4) a continuance in four years for the project should be denied, and (5) he does not support the project.

3. Bobby Munden, 14551 Halter Road. Mr. Munden said that the rental restrictions used in condominiums state that one person or related parties can only own a maximum of three units and those stipulations should be applied with this project so that the units would not be treated as rental properties. If he lived in the Preserve, he would not like the separation to be hedges but a wall similar to the wall behind Palm Beach Outlet Mall and the Presidents Golf Course. Mr. Munden further suggested that the entire development be pushed north where there was additional land and space and not south towards the golf course and questioned the accuracy of the space between where the diagram indicates where the project would be and the existing homes and felt the diagram was making it look like wider space.

There being no further public comments a motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Councilman Coates, seconded by Councilman Willhite and passed (5-0), approving Ordinance No. 2014-22 on Second Reading as presented.

B. [14-781](#)

RESOLUTION NO. R2014-27 (BINKS POINTE MASTER PLAN AMENDMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 2013-61 MPA 2) FOR CERTAIN PROPERTY KNOWN AS POD "L" (BINKS POINTE F.K.A. RESIDENCES AT BINKS FOREST GOLF CLUB) OF THE LANDINGS AT WELLINGTON PUD, TOTALING 15.27 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ACREAGE OF POD "L" BY INCLUDING PARCEL "V" 0.26 ACRE, DESIGNATE POD "L" AS OPTIONAL RESIDENTIAL (OR) AND AMEND CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A combined staff report for both items A and B had previously been presented for this item.

A motion was made by Councilman Coates, seconded Vice Mayor Greene and passed (5-0) approving Resolution No. R2014-27 with the following changes: (1) Development be limited to a one year rental restriction on the initial sale and all subsequent owners and subject to no more than five hardships at one time. The hardship amount cannot be changed by the developer while in control of the property and once turnover occurs, the hardship amount would be subject to seventy percent vote of the home owners association. (2) The developer cannot change or amend the restriction for the rental period while in charge and change would be subject to a seventy percent vote of the members. (3) The designated construction access road would be via Flying Cow Road which would be subject to the approval from FPL and Binks Golf Course easement, unless access to the easement would be canceled, terminated or denied by FPL or golf course. (4) Construction hours for the interior and exterior areas of construction would be between 7:00am and 7:00pm with no construction on Sunday. (5) Response from the five property owners that have been contacted by the developer regarding additional hedges must be completed no later than at the end of the completion of the construction of the three southeastern most buildings. The completion date would be the date measured by the CO (Certificate of Occupancy) being issued for each of the buildings. (6) The setbacks that have been represented at the meeting would be Council imposed conditions subject to the changes in the setbacks that Mr. Stillings and Ms. Vail calculated with respect to the four designated areas for visitor parking. (7) The conservation easement would be required as a condition subject to easements stating the maintenance requirement continues to rest with the applicant and the HOA. (8) Section 5b (of the resolution) be revised to reflect payment would be subject to approval by the Village Engineer. (9) Provide enhanced landscaping as the buffer between the visitor parking and the end units.

C. [14-808](#)

ORDINANCE NO. 2014-26 (EQUESTRIAN BRIDLE PATH MAP CPA)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN BY ADOPTING THE BRIDLE TRAIL MAP IN THE EQUESTRIAN ELEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AUTHORIZING THE MANAGER TO UPDATE THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the ordinance by title.

At this time, Councilman Willhite asked if it would be appropriate to postpone the hearing of this ordinance until Mr. O'Dell could provide a map of the equestrian bridle trails so that they could see what Council was actually voting on. Mr. O'Dell indicated that he wanted to make the presentation because he thought he had a solution.

Mr. O'Dell presented the agenda item explaining that the ordinance relates to the Village's Bridle Path System. He noted that the Bridle Path System is identified in the Village's Comprehensive Plan; however, the plan being presented was one that had been developed in 2004 in a plan by CM2MHill. He indicated that it was the only map that he had, but he had a solution to that. He said that, with Council's approval, he wanted to move all of the colors over to the GIS system and then move forward with that map as being the base map

moving forward. He said that it would have the same colors, but would be in the Village's system.

Mr. Schofield said that given that it was unknown what that map would look like and there were also some changes discussed at the Agenda Review, he recommended that this be postponed to the first meeting in January.

Councilwoman Gerwig said that the Village actually knows where the bridge paths are whether or not they can see them, but they needed to include the element. Mr. Schofield explained that the problem was that putting this in the Village's GIS system does not give it the same force as putting it in the Comprehensive Plan. He said that Mr. O'Dell had just suggested moving it into the GIS system which tells them where the trails are which they already know. Mr. O'Dell explained that he would create the same map in the Village's GIS system so that they can make any changes to it as they move forward with it. Mr. Schofield said that since they don't have that for a Comprehensive Plan Amendment at this time, he said it was appropriate to postpone the item.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to postpone Ordinance 2014-26 time certain to the first Council meeting in January 2015.

D. [14-782](#)

ORDINANCE NO. 2014-25 (REASONABLE ACCOMMODATION POLICY)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING ARTICLE V OF WELLINGTON'S LAND DEVELOPMENT REGULATIONS BY ADDING CHAPTER 13 "REASONABLE ACCOMMODATION", SETTING FORTH A PROCEDURE FOR PERSONS WITH DISABILITIES TO REQUEST ACCOMMODATIONS TO VILLAGE OF WELLINGTON RULES, POLICIES, AND PROCEDURES AND ESTABLISHING AN APPEAL PROCESS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield introduced the Agenda item. Ms. Rodriguez read the ordinance by title.

Ms. Cohen explained that this was an ordinance that formalized a policy that the Village has had to provide reasonable accommodations to those with disabilities. It provides people who may want to request reasonable accommodations with the procedure that they would need to follow as well as providing an appeal process. She recommended approval.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to open Public Hearing.

There being no public comments a motion was made by Councilman Coates, seconded by Councilman Willhite and unanimously passed (5-0) to close Public Hearing.

A motion was made by Councilwoman Gerwig, seconded by Councilman

Coates, and unanimously passed (5-0) approving Ordinance No. 2014-25 on Second Reading as presented

8. REGULAR AGENDA

A. [14-858](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR SOLID WASTE CONSULTING SERVICES

Mr. Schofield introduced the item and stated that the item would be divided into two sections:

1. Authorization to Enter into an Agreement for Solid Waste Consulting Services.
2. Direction Regarding the Solid Waste Request for Proposal (RFP).

Mr. Schofield explained when the item was presented for the first time there was one request to hire the consultant and obtain direction from Council regarding policy points on the RFP. After discussion at the Agenda Review meeting Council consensus was to separate the topics in order to obtain separate discussion and deal with the topics individually.

Authorization to Enter into an Agreement for Solid Waste Consulting Services.

Mr. De La Vega presented the staff report.

A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) approving the authorization to enter into an agreement with David Dee, Esq, Attorney with Gardner, Bist, Wiener, Wadsworth, Bowden, Bush, Dee, LaVia & Wright, P.A. to provide Solid Waste Consulting Services with the following change: the amount was not to exceed \$50,000.

Direction Regarding the Solid Waste Request for Proposal (RFP).

Mr. Barnes stated that staff recommends issuing a two-step RFP similar to what was issued in 2007, and minimum qualification requirements would be established.

At this point a motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (4-1) with Councilwoman Gerwig dissenting, approving the meeting's continuation after 11:00P.M.

Council consensus was reached for the following decision points:

1. New trucks or used trucks with an age limit? – Minimum seven year average fleet and well maintained. Diesel or Natural Compressed Gas? – Not a mandatory requirement.
2. What limits on number of years of current experience, size or number of accounts for providing commercial and residential solid waste, recycling, vegetation and bulk waste services? - Five years minimum experience and minimum of three similar contracts.
3. Automated, semi-automated, or manual experience? - Fully automated service for garbage and vegetation.

4. Roaming grapple truck to be paid by the Village? - Contract shall include a requirement for a roaming grapple truck to be included in the price of the contract.

5. Limit on cubic yards of bulk vegetation? - No limit.

6. Contract term in number of years? - Initial five year contract with three additional one year renewals.

7. Containers to be provided by the Hauler or will the Village continue to purchase? - The hauler shall provide containers and the pricing of the containers would be included as part of the contract. The Village staff would continue to distribute the containers.

8. RFP Scoring Criteria weighting? – 30 Points for Qualifications, 30 Points for Approach and Methodology and 40 points for Price.

9. Consultant fees reimbursable by the awarded vendor? – Yes.

10. Selection Committee composition? - Staff would serve as the committee members.

B. [14-893](#)

DIRECTION REGARDING THE LOBBYING SERVICES AGREEMENT

Mr. Schofield introduced the item and requested Council's direction on whether they would like to proceed with this item.

A motion was made by Vice Mayor Greene, seconded by Mayor Margolis, and unanimously passed (3-2) approving authorization to enter into an agreement for lobbying services with Coker Consulting, LLC and Metz, Husband and Daughton.

C. [14-890](#)

DIRECTION REGARDING K-PARK RFP

Mr. Schofield introduced the item.

Councilwoman Gerwig stated that she would have to recuse herself based on the advice of the Commission on Ethics.

Mr. De La Vega stated that six proposals have been received and staff has met with all of Council on an individual basis in order to summarize each proposal. Staff was seeking direction based on the terms in the RFP:

1. Reject all bids.
2. Score and rank each proposal on the submittal material and either short list the highest ranked proposer for the interview/presentation phase or recommend entering into negotiations with the highest ranked proposer.
3. Bypass scoring and ranking of the submittal material and schedule interviews/presentations with all proposers.

PUBLIC COMMENTS

1. Bobby Munden, 14551 Halter Road. Mr. Munden spoke in opposition to this and raised the following concerns: (1) residents always considered this

property a park and open space would have to be replaced in the Village; (2) the current plans were not special or appealing; (3) property is worth more than what proposals offered citing value of surrounding properties;

2. Bart Novack, 15670 Cedar Grove Lane. Mr. Novack spoke in opposition to the sale of K-Park and raised the following concerns: (1) residents were promised a park; (2) taxpayers were paying for the easement between the church and the property and the church should reimburse the Village; and (3) all bids should be rejected.

Mayor Margolis stated that Council reached a consensus to move forward with the interview process for all six perspective bidders and the interviews should be held in December.

Mr. De La Vega explained that he would schedule the interviews for early December and each bidder will be allotted forty minutes for the presentation and twenty minutes for questions, the presentations will be closed to the public, and all sessions will be recorded. Since this was not a short list, the order of the presentations would need to be selected and staff was ready to pick the order by pulling the names.

(At this point, Mr. Barnes pulled the names out of a box)

1. Wellington Gardens Partners, LLC
2. Stiles
3. Divosta/JKM Developers
4. Bainbridge/Brefrank Joint Venture, LLC
5. Reinvent America
6. Lennar

Mr. De La Vega explained after Council listened to all the presentations, an open discussion would follow that could include Council's ranking the firms and/or a recommendation to move in any other direction would be taken.

Council consensus was to interview the proposers in early December and the ranking results would be made public at that point in time and during a separate public meeting. The January agenda item would provide the public with Council's final decision.

9. PUBLIC FORUM

1. Bart Novack, 15670 Cedar Grove Lane. Mr. Novack felt that the K-Park location was the best area to have a park due to the ease of moving traffic in and out of the site.

10. ATTORNEY'S REPORT

Ms. Cohen: No Report.

11. MANAGER'S REPORTS

1. The next Regular Council meeting will be held on Tuesday, November 25, 2014 at 7:00 p.m. here in Council Chambers.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

1. She thought the Veterans Day Parade and Ceremony was tremendous.

Vice Mayor Greene presented the following report:

1. He reported that he was unable to attend the Veterans Day event, but thanked the men and women who have and were currently serving the country. He thanked Mayor Margolis and Councilwoman Gerwig for attending the parade and ceremony and for representing the Council.
2. He expressed his thanks to the students that attended the Civics 101 session and indicated that they had asked great questions and he appreciated their interest.
3. He asked if Councilman Coates had been briefed in regards to the Wellington Community Foundation discussion held at the Agenda Review meeting on Monday.
4. Vice Mayor Greene directed his expression of appreciation to Mr. Ramba for the great work done. He stated that after listening to Mr. Ramba's comments, he was hopeful that the Village could develop a hybrid system with different skill sets which would complement each other and bring value to Wellington in the near future. However, Council would need to decide the necessities of the Village, provide clear direction and work with Mr. Schofield in order to represent the residents of the community.

Councilman Willhite presented the following report:

1. He stated that when he and his son were walking through Peaceful Waters there was a piece of the railing missing and voiced his concern the hazardous safety situation. He explained that in a similar situation, the "Click n Fix" program that the City of West Palm Beach utilizes a picture would be taken and sent to the Village staff and the problem would be immediately addressed. He requested staff to look into the program.
2. He explained that the City of West Palm Beach also has a rebate program for purchasing "Green" appliances and toilets which would be a great benefit to the residents. He asked staff to look into the program.
3. Councilman Willhite thanked staff for their handling the large crowd that attended the Veterans Day event which was the largest to date. He wished all veterans and their families a Happy Veterans Day.

Councilman Coates presented the following report:

1. He saluted all of the veterans, especially his fellow Marine Corp. and stated that he regretted not being able to attend the event but felt the event was one of the most important yearly events.
2. Councilman Coates stated that he agreed with Vice Mayor Greene's comment that Mr. Ramba provided a good service in a professional manner but his concern was with the contract's compliance and felt the contract needed to be consistent.

Mayor Margolis presented the following report:

1. He agreed with Councilman Coates that all contracts needed to be fulfilled and if not fulfilled another vendor would need to be selected. He did not have problem with the visits to Tallahassee, but the problem was some of his concerns with his participation at the local level.
2. Mayor Margolis spoke about a 90-year old veteran by the name of Sam that he met at the Veterans Day ceremony who led the Pledge of Allegiance. Sam served as a submariner during WWII and as a cook during the Korean War and

explained that he was hoping to get his high school diploma from Wellington High School at the end of the year because was not able to get his diploma when he was younger because he was fighting for his country. Mayor Margolis added that he invited Sam to attend all of the Veterans Day events in the future and to provide the Pledge of Allegiance. He felt that meeting him and having him attend the event was a blessing.

13. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned.