

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL Wellington Village Hall 12300 Forest Hill Blvd. Wellington, Florida 33414

Tuesday, June 24, 2014
7:00 p.m.

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, June 24, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Bob Margolis, Mayor; John Greene, Vice Mayor; Matt Willhite, Councilman; Howard K. Coates, Jr., Councilman, and Anne Gerwig, Councilwoman.

Advisors to the Council: Paul Schofield, Manager, Laurie Cohen, Esq., Attorney, Awilda Rodriguez, Clerk, and Jim Barnes, Director of Operations.

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Mayor Margolis led the Pledge of Allegiance.
3. **INVOCATION** - Rev. Emily Denmark McGee, Associate Pastor, St. Peter's United Methodist Church, Wellington, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda for approval recommending two minor changes: (1) reorder Presentation and Proclamations moving item 5B Whole Foods 6th Annual Back to School Bonanza as the first item, and (2) move Consent Agenda item 6D: Authorization to Award a Contract for Insurance Brokerage Services to the Regular Agenda as item 8B.

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. 14-417 WHOLE FOODS 6TH ANNUAL BACK TO SCHOOL BONANZA

Mr. Schofield introduced the Agenda item. He said that Mr. Poag was present.

Mr. Poag introduced Lauren Beilinski from Whole Foods Market.

Ms. Beilinski thanked Council for their support and for allowing the Village to partner with Whole Foods market along with PBSO, Palm Beach Fire Rescue and providing volunteers with the "Back to School Bonanza" annual event for the sixth year. She that the joint press release, event flyers and tents had been prepared and she invited Council and staff to attend the event. Ms. Beilinski hoped to continue their partnership in the future.

Councilwoman Gerwig recalled that a black helicopter was at the prior year's event. Ms. Belinski

said that the helicopter was donated by a Wellington resident. The PBSO Eagle was not available due to last minute repairs. Councilwoman Gerwig thought a white helicopter would be nice to have this year. Ms. Beilinski agreed and said that she would try to obtain it.

Vice Mayor Greene said that he attended last year's event which was great. The Community Services staff, PBSO, Palm Beach Fire Rescue has done a wonderful job with the event. He thanked Ms. Beilinski for the event. Ms. Beilinski said that all the elementary schools have been provided with funds for the school supplies through the years, and this year's recipient of the funds was Elbridge Gale Elementary School.

**B 14-399 PRESENTATION OF THE SHERIFF'S OFFICE DISTRICT 8
SEMI-ANNUAL REPORT**

Mr. Schofield introduced the Agenda item. He announced that Captain Hart was present to make the presentation. He noted that also in attendance from PBSO was Colonel Stormes, Major Araujo, Lieutenant Shavitz and Jerry Nicholas, Law Enforcement Planner.

Captain Hart announced that he would be presenting the District 8 semi-annual PBSO report. He pointed out that he would be highlighting their accomplishments which included: (1) Street Team – Narcotics Interdiction; (2) Community Policing; and (3) the decline in Crime.

Street Team: He stated that six months ago, several members of the street team changed and the result has been tremendous: 3,000 grams of marijuana seized; seized 16 vehicles for forfeiture; \$30,000 in cash were seized for forfeiture, there were 80 new narcotic cases; 81 suspects were arrested. Captain Hart noted that PBSO felt proud that staff was out finding drugs on the street, the bad people and are working up the chain to get to the bigger people.

Crime Prevention: Captain Hart stated that twelve Crime Watch Groups were established in an effort to bring neighborhoods and the entire neighborhoods together. He expected more of these crime prevention groups to be established in the future.

Councilman Willhite referred to the seized items and asked they were placed in a general PBSO fund or if they stay within the Wellington District. Captain Hart explained that if the owner of a vehicle was stopped and has a clear title and was pursuable, the vehicle would be taken to PBSO. In order to retrieve the vehicle, it would need to be part of a plan as an undercover car or placed into the general population in the motor pool according to the Village of Wellington's needs. In regards to money, if they prove that the money was associated with drug or illegal activity, PBSO would charge a handling charge and the rest of the money would be returned to the Village. Currently, PBSO was processing a check in the amount of \$28,000 to \$30,000 that would be sent to the Village from these types of seizures. Councilman Willhite asked what the money would be used for. Captain Hart stated that once the Village had the money, he would request certain items that may not be budgeted; radars, lasers, or any items needed to do the job effectively. Councilman Willhite said he would like PBSO to speak to staff regarding any significant items that may be needed and to save the funds and obtain those items in the future.

Crime in Decline: Captain Hart explained that the current crime trend was decreasing and the results in his presentation were based on the UCR Crime Trend statistics from Tallahassee which indicates that crime was down in Wellington by 32% from 2009.

Property Crime: The performance goal was to have less than 1,000 property crimes reported in FY14. Result: 318 Property crimes were reported from 10/1/13 to 3/31/14: 30 burglary arrests were made in FY14; 21% decline in vehicle burglaries vs. FY 14; 91% decline in overall burglaries vs. FY14; and overall property crime was 25 % below average.

Traffic Issues: The goal for traffic issues was 2.2 or less and during the beginning of the year they were on track. At the end of March, the amount of automobile crashes increased but he hoped to be at 3.0 crashes per 100 residents. Texting and driving was the main concern for the crashes and Captain Hart explained that he brought a video of a classic case of driving and texting for Council to view. The video was shown to Council at this point. Captain Hart explained that the scene was taken at Quercus Lane and Forest Hill Blvd, and pointed out that the driver was looking down obviously texting, but luckily the other driver delayed in pulling out when his light turned green.

Captain Hart stated that automobile crashes increased by 29% from last year and the increase may be due to texting and driving. Hopefully the laws would change in the future and make texting and driving a primary offense instead of the current secondary offense.

Commercial Vehicle Enforcement: Commercial Vehicle Enforcement unit was provided eight hours a month: 48 hours in Wellington. This resulted in 69 commercial vehicle stops.

Captain Hart added that communication among the truckers was always an impact. Once truckers know that they may get stopped and the truck inspected, they avoid Wellington and stay on Southern Boulevard or SR 441. He felt confident that as the enforcement continues, the trucks that have bald tires, no brakes and the drivers with suspended driver's licenses and other issues, would continue to stay out of Wellington. Councilman Willhite said both he and Mayor Margolis talk about this issue quite a bit which is not because they are trying to get these vehicles from coming into the Village. He said that when they have those inspections, PBSO is looking for safety issues, i.e., size and the weight standards in order to avoid damage to the roads and the safety of the residents.

Public Preservation: The goal was to have the Deputies in the parks and to be highly visible. Business Checks within the parks: 257; Business Burglaries: 3

All three burglaries were at the concession stand at Village Park. Surveillance and undercover officers were placed inside and there have been no more issues.

Calls for Service: 4% of the calls were categorized as crime related and 96% were categorized as non-crime related calls.

Wellington Arrests: 10% of the arrests were felonies and 90% of the arrests were misdemeanors. 563 arrests have been made and the most common arrest was for drug cases.

Illegal Drug Offense Arrests: 158 drug related arrests were made in 2014 which was 74% compared to 2013 and 70% above the average since 2011. The Community Policing Team was doing a tremendous job arresting the drug dealers.

Wellington Calls for Service & Case # Comparison: The graph indicates as Wellington's population grows, the calls for service reduce and the trend started in 2012.

Where Are We Now?

Crime Rate: 2012: 2.7; 2013: 2.4

Crash Rate: 2012: 2.4; 2013: 2.2 - The current year may be at 3.0.

Clearance Rate: 2012: 29.1; 2013: 27.1

Citizen Satisfaction: 2012: 4.8; 2013: 4.8

Response Times: 2012: 4.8; 2013: 4.9 minutes

Future Plans: Areas that the PBSO will pursue during the fiscal year include tents and stolen

golf carts which are difficult to investigate since one key fits all.

Councilwoman Gerwig questioned the amount of accidents that have occurred due to distracted driving or aggressive driving. Captain Hart stated that the amount of accidents has increased which he felt was due to the increase in driving and texting. He believed that would continue until texting while driving became a primary offense in Florida.

Councilwoman Gerwig referred to a very serious crime that had occurred in Wellington in FY2014, but wasn't listed under arrests since there was none made. She asked if it was correct that an incident like that had never previously occurred in the Village. Captain Hart agreed that there was not an arrest. Councilwoman Gerwig stated that Wellington had never experienced that type of crime in the past. Captain Hart noted a homicide where a teacher had shot and killed the intruder five or six years ago. Councilwoman Gerwig thought that was different since the intruder was known to the teacher. She noted an earlier bomb threat, and felt that there was uneasiness in the community. She asked how PBSO would assist in making the community feel safer. Captain Hart stated that the homicide was very serious and PBSO spent thousands of hours investigating the case and the case is ongoing. He noted that they do have a suspect, and once PBSO reports the findings, all the Councilmembers would receive notification, including the amount of hours taken to solve the case. Councilwoman Gerwig asked about the placement of safeguards for businesses that may be vulnerable. Captain Hart stated that there was a County ordinance that states that business' doors must be closed if there are less than two employees, but the doors can remain open if a slide window is used. He noted that deputies visit businesses on an ongoing basis and if they see that the ordinance was being violated, they communicate and address the issue because the business could be closed down if they violate this ordinance.

Councilwoman Gerwig questioned the amount of automobile break-ins. Captain Hart stated that there was an increase due to the actions of a few teenagers; however, they had been arrested.

Councilwoman Gerwig asked what the procedure was for a Wellington citizen to follow during a bomb threat. Captain Hart explained that the media usually obtains the information that PBSO releases. Until Wellington institutes and installs some type of alert system, the media, Facebook and social media would be the best way to obtain the information. The bank and Boston Market were evacuated by PBSO in order to ensure that everyone was safe and no explosives were found.

Vice Mayor Greene thanked PBSO District 8 for the good job they are doing within Wellington and thanked Major Araujo and Colonel Stormes for being in attendance. He felt that the PBSO contract was one of the best contracts that Wellington has due to its value. He believed that the resources that the Village receives on a daily basis from PBSO would not be available if Wellington had their own police department. Vice Mayor Greene stated that crime was very low in Wellington and any incident tends to challenge the numbers and throw the percentages off tremendously. The expectation that residents have was that there not be any crime in Wellington but unfortunately crime was going to happen. He felt the low crime rates speak for themselves and the incidents that have recently happened do not typically happen due to the PBSO staff working hard on a daily basis. Captain Hart stated that his predecessor would always say, Wellington was low crime, not no crime and at times residents that live behind the gates have a false sense of security and tend not to lock their doors. He said that crimes of opportunity arise and the teenagers walk around and check for open doors.

Vice Mayor Greene stated that he was aware that PBSO was gaining trust within several of the communities which included the Walk and Talk with PBSO Wellington incentive which he would also be participating. Captain Hart stated that PBSO was partnering with Wellington's Safe Neighborhoods Department to visit the neighborhoods in order to speak to the residents and

learn of their concerns, i.e., trash related, code compliance or loose dogs. He credited Wellington for their initiative in going out and knocking on doors. Vice Mayor Greene questioned if PBSO was involved to this extent in other municipalities. Captain Hart stated that in the past, PBSO was involved in a Walk and Talk program called "Sheriff on the Move", but no other entity was with the Sheriff while he visited neighborhoods. He pointed out that Wellington's program was zeroing in on the quality of life issues and not just crime in the neighborhoods. Vice Mayor Greene agreed with Captain Hart and said that the goal was to put the residents at ease and address all the issues and he would like to participate in the program. Vice Mayor Greene thanked Lieutenant Shavitz who was available at all times.

Councilman Coates agreed with Vice Mayor Green's comments on PBSO's service to the community. He was concerned with the crash statistics which was a very significant increase. He said that he compared the amount of traffic stops with the amount of citations issued and noticed that there was a reduction by one thousand. He asked Captain Hart why there was the decrease of citations. Captain Hart explained that in the past, when the traffic tickets increased, the traffic crashes also increased. Councilman Coates stated that the graph indicated the opposite. Captain Hart explained that tickets were very expensive and, the deputies tend to write one or two tickets and give warnings for the other violations to the same driver. Councilman Coates stated that Captain Hart's experience was that an increase in traffic tickets does not provide a noticeable decrease in traffic accidents then he would agree with the current standards.

Councilman Coates noted the increase in drug arrests from FY2011 to FY2014 which he assumed was due to greater presence of PBSO on the street and additional identification of problems. Captain Hart explained that he felt and believed that putting the right people in the right places, was always effective. Current street teams have a high level of experience with narcotics and they all want to do their job. He said they know the correct questions to ask, how to search a car and know how to dig a little deeper. Additionally Captain Hart explained that the previous team was good, but he felt the current team were in the right place and ask the right questions in order to get the job done. Councilman Coates said that illegal drug areas in Wellington need to become zero tolerance areas in the future. He requested Captain Hart include a report in the following year's proposal on how PBSO was able to enhance the capabilities to clamp down on the illegal drug activity in Wellington. Councilman Coates thought drug seizures were good but he hoped that in the future the seizures would end, due to the "no drugs in Wellington" policy. Captain Hart explained that PBSO noticed several social media statements from some of the drug dealers who communicate to others to stay out of Wellington. He said the statistics indicate that PBSO has a zero drug tolerance which includes seizing cars from anyone caught with drugs in Wellington.

Councilman Willhite thanked Captain Hart for the informative presentation, for the hard work he and his entire staff do for Wellington and for the senior management team attending the meeting. He said that he had asked about the return on the seized items because Council has to be cognizant of the budget. He felt that they should be showing that benefit coming back not only to the Village, but to the deputies as well. Councilman Willhite liked the idea of the staged vehicles around the community; however, he asked if they could be moved a little more frequently because people get used to them sitting there. He also suggested possibly placing mannequins in them. Captain Hart explained that having mannequins in the staged vehicles was part of Royal Palm Beach's procedure for a while which proved to be effective for only a short span of time. Councilman Coates referred to eight cars being burglarized in VillageWalk one night. He noted that increases the statistics although very few things were taken from cars. Councilman Willhite said that he did hear that the residents were very pleased and content because PBSO spoke to all of them and took the time to look at their private cameras in addition to taking their reports. Captain Hart explained that looking at the cameras and canvassing the neighborhood was currently part of their procedure for burglaries.

Councilman Willhite explained that he was aware that there have been was staff changes in the Safe Neighborhood Office and PBSO and wanted Captain Hart to monitor the working relationships among both groups to ensure the change was successful and that information was being shared. He felt that things work well when agencies work together and share information. Captain Hart stated that many of their issues with community policing are quality of life of residents so they need the Code Enforcement Department to help them with. Councilman Willhite requested that besides reporting such things as bomb threats that the report includes issues that pertain to the Safe Neighborhoods showing what programs have been put in place, what is working to show how the Village's investment in that area is working.

Mayor Margolis thanked Captain Hart and his staff for the work. He also thanked Captain Hart for the work his staff has been doing for the Commercial Vehicle Enforcement which was making a tremendous difference in Wellington. He asked if the Park Ranger program was handled by PBSO. Captain Hart indicated that it was not. Mayor Margolis noted that they met at New Horizons Elementary School a few months ago along with neighbors from Yarmouth and they talked about quality of life issues. He said that when PBSO and staff goes into the neighborhoods, they can see the difference especially because both Wellington and PBSO work together to gain that trust and effective communication in the entire community.

Mayor Margolis asked Captain Hart to explain PBSO's triage system when a resident calls for assistance, and what type of call signals an immediate response. Captain Hart explained that, to best of his knowledge, when the caller dials 688-3400 the call is answered by a dispatcher who transmits the call to the dispatcher who sends the calls to the cars. Depending on the urgency, the call is labeled in different colors; red means that the car needs to be there quicker; a delayed signal 21 burglary would not be a priority and would be addressed by a deputy who clears his prior call, which may take up to fifteen minutes. Hot calls, such as a fight in progress; gun; domestic incident, cars would be taken from a delayed burglary and will be immediately dispatched. Mayor Margolis thanked Captain Hart for the explanation because many residents complain that the deputies do not arrive in a quick manner. Captain Hart explained that he only had nine deputies assigned to Wellington.

Mayor Margolis recalled that Captain Hart's prior presentation reflected that ninety-nine to one hundred percent of the crashes that happened during the Christmas holiday had to do with texting while driving. Captain Hart stated that he was not able to prove those statistics fully but after the deputies reached the scene, all the drivers said that they noticed that the drivers were not paying attention and pulled out in front of them leading to twenty-two crashes in one day. Mayor Margolis said that Wellington cannot do anything as a local municipality unless the legislature makes a change. Captain Hart said that he felt that the change would be made similar to the seat belt law. Mayor Margolis thanked Captain Hart for the extra effort, for his proactive deputies, being a part of Wellington and his presentation.

6. CONSENT AGENDA

- A. 14-480** MINUTES OF THE REGULAR COUNCIL MEETING OF MAY 13, 2014
- B. 14-65** AUTHORIZATION TO RENEW THE CONTRACT FOR THE PURCHASE AND DELIVERY OF SPORTS UNIFORMS
- C. 14-66** AUTHORIZATION TO RENEW THE ANNUAL PUBLIC WORKS CONTRACT WITH MULTIPLE VENDORS
- ~~**D. 14-437** AUTHORIZATION TO AWARD A CONTRACT FOR INSURANCE BROKERAGE SERVICES~~ *Moved to Regular Agenda as item 8B.*
- E. 13-0418** AUTHORIZATION TO RENEW AN EXISTING AGREEMENT WITH MUNICIPAL CODE CORPORATION, INC. (MCCI) FOR LASERFICHE DOCUMENT MANAGEMENT ANNUAL LICENSING, MAINTENANCE

- AND SUPPORT, AND PURCHASE OF ADDITIONAL REQUIRED LICENSES
- F. 14-451** RESOLUTION NO. R2014-34: PROGRAM FOR PUBLIC INFORMATION (PPI) AND FLOOD RESPONSE PREPARATION (FRP), FOR WELLINGTON'S COMMUNITY RATING SYSTEM (CRS): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING FORMAL PROGRAMS FOR PUBLIC INFORMATION AND FLOOD RESPONSE PREPARATION FOR INTEGRATION INTO WELLINGTON'S COMMUNITY RATING SYSTEM TO MEET THE NEW REQUIREMENTS OF FEMA'S COMMUNITY RATING SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the Consent Agenda recommending approval as amended.

There were no public comments on the Consent Agenda.

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

7. PUBLIC HEARINGS

- A. 14-482** ORDINANCE NO. 2014-24 (BOARDS AND COMMITTEE: 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 the Agenda item. He read the ordinance by title. This is the second reading of the ordinance.

Ms. Cohen stated that this was a request by Council to amend the ordinance to have the ability to remove one of their appointments if they chose to either with or without cause. She noted that they also added some language with respect to the jurisdiction of the Ethics Commission, and they removed the provision that would provide for an appeal. She explained that staff surveyed several municipalities and found that many do not provide appeals because the board and committee members do not have any property interest in their appointment. She further explained that staff also reworded the removal for reasons other than absentee and failure to maintain the requirements for being a board member. Ms. Cohen advised Council that this gave Council control over each Councilmember's appointments. She said that otherwise the board members serve at the pleasure of Council, so a majority count of council would be able to remove any board member including an At-Large board member.

Councilman Willhite questioned Ms. Cohen if this ordinance would include ad hoc committees or any aspect of these types of committees. Ms. Cohen replied affirmatively and asked if he was pertaining to a task force. Councilman Willhite replied affirmatively and asked Ms. Cohen if the board member would be subject to not taking their seat if they had not completed the ethics training. Ms. Cohen replied affirmatively and said that the training was mandatory in order to serve on any of Wellington's boards, committees or task forces.

Councilwoman Gerwig wanted to ensure that Councilmembers could still be able to remove a board member if they were not their own appointment as it was her understanding that practice had not change. She said that if she had a problem with another Councilmember's appointment,

she would bring the matter to Council and they would decide as a Council for a majority vote. Ms. Cohen replied affirmatively and said that the board member would serve at the pleasure of Council and this ordinance provides for Councilmembers to unilaterally remove their own appointment if they deemed it necessary. She explained that this does not take away the ability of the majority of Council to remove any board member including another Councilmember's appointment. Councilwoman Gerwig stated that cause was needed. Ms. Cohen explained that the removal was valid with or without cause. Councilwoman Gerwig said that the Councilmember could just say they wanted the member removed and would ask Council if they agree without having to give a reason. Ms. Cohen stated that the reason would be for anything other than absenteeism. Councilwoman Gerwig reiterated that the removal could be without cause, and Council could still vote to remove a board member. Ms. Cohen said that was correct if the majority of Councilmembers passed that vote in favor of the removal. Councilwoman Gerwig asked Ms. Cohen if three councilmembers decided to remove a board member of hers at every meeting that would be acceptable with or without cause. Ms. Cohen replied affirmatively.

Public Hearing

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

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

Ms. Cohen thought that the language was clear the way it was worded regarding the removal, but provided Council with language that might be clearer to understand. She explained that Council was able to vote for the modified version that she was currently providing but felt that the current version, that was part of the agenda, was also indicative of clear language. She wanted to clarify that any board member would be able to be removed by a majority vote with or without cause.

A motion was made by Councilman Willhite, seconded by Councilman Coates, and passed (4-1) with Councilwoman Gerwig dissenting to approve Ordinance No. 2014-24 as presented on Second Reading.

8. REGULAR AGENDA

- A. 14-487** RESOLUTION NO. R2014-39 OPPOSITION TO MINTO WEST PROJECT: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL IN OPPOSITION TO THE MINTO WEST PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Schofield introduced the Agenda item.

Mr. Schofield suggested that the item be tabled until July 8 or August 12 in order to present additional information. He noted that both dates would be before the Palm Beach County Transmittal Hearing.

Although the item was being postpone, Council consensus was to allow the public to speak.

1. Mr. Al Malefatto, Lewis, Longman and Walker, P.A., 515 N. Flagler Drive, West Palm Beach. Mr. Malefatto said that he was speaking on behalf of Minto. He said that he had the opportunity yesterday to speak with Mr. John Carter, Vice President of Minto and part of the Minto West project, and he stated that he would be pleased to attend the August 12 meeting

to provide Council with a presentation. He said that by that time they would be further along with Palm Beach County discussions and that the Palm Beach County Transmittal Committee meeting would be held on August 27.

2. Alan Ballweg, 11223 40th Street North, Royal Palm Beach. Mr. Ballweg stated that he was not a Wellington resident, but he had many Wellington resident friends that greatly enjoy the community. He spoke in opposition to the Minto West development which he felt was massive and would significantly impact Wellington. Mr. Ballweg addressed the impact this development would have on Wellington if it was approved at the larger density particularly on traffic and crime. Mr. Ballweg noted that he had sent to Council copies of resolutions from local entities and groups opposing the increased density. He stressed the urgency to oppose the Minto project as he felt it would only be the first of many that would change the quality of life in the area forever.

A motion was made by Councilman Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to table the item time certain until August 12, 2014 as presented.

**B. 14-437 AUTHORIZATION TO AWARD A CONTRACT FOR INSURANCE
BROKERAGE SERVICES**

Mr. Schofield introduced the Agenda item.

Mayor Margolis recused himself from this item since he serves as one of the Trustees on the Board of the Florida League of Cities Pension Trust. At this time, Mayor Margolis left the Council Chambers.

Mr. Schofield stated that Mr. De La Vega would be providing the presentation.

Mr. De La Vega stated that on May 27, 2014, Council authorized staff to negotiate a contract with the Gehring Group, the highest ranked proposed for the Insurance Brokerage Services RFP. The Gehring Group originally proposed a flat fee price of \$198,000 and a commission-based price of \$196,000. Wellington would have the ability to choose which contract to award. Mr. De La Vega said that after negotiations with the Gehring Group, they agreed to reduce their commission on the premium plan from approximately \$196,000 to \$165,000 which was based on current premiums and with no change to the current level of service. Staff recommended entering into a commission based contract with the Gehring Group to provide services at the cost of approximately \$165,000 based on current premiums.

There were no comments from the public.

Councilman Willhite stated that at the prior meeting he had a concern with the process and continues to have a concern with the current process since this was \$50,000 over the lowest RFP responsive bidder submitted. He appreciated Mr. De La Vega working to negotiate with the Gehring Group and obtaining a reduction of \$30,000 but he would not be able to support the aspect of this.

Councilwoman Gerwig referred to the professional quality pointing out that the Gehring Group was the highest rated by the Selection Committee. She noted that price was part of the number that was submitted and by the rankings they selected the best professional service. She absolutely supported the Gehring Group selection and spending the additional money since the Selection Committee ranked them on their experience, information submitted and the service they have provided to Wellington. Councilwoman Gerwig added that the other applicant did not submit all the documentation requested and questioned if they should have been included in the process. She thought that the extra \$55,000 may save Wellington \$155,000 in the long run

because of how well the Gehring Group operates. She said that the Village was not looking for the cheapest service but the most value which she would always support.

Councilman Coates stated that he supported the Gehring Group but with a reluctant feeling which was not directed to Mr. Gehring or his excellent firm, but with Wellington's process that results in such disparity within the selection process as reflected in the difference of almost \$100,000 between the low cost provider and the provider that staff recommends to Council. He felt that the selection process needed to be modified to reflect additional consideration to price because he felt that staff was not focusing enough on it which was not a service to the residents and tax payers. Councilman Coates added that although quality and value were important, having Council justify paying significantly more for a service than what the low cost provider submitted and accepting staff's recommendation was not acceptable. He said that the Gehring Group's willingness to work with Wellington made the task of supporting the item easier for him to support. They have served Wellington for a long time and bring great value but it was hard to measure what the value was for services. Councilman Coates said that the average taxpayer may have difficulty understanding that Wellington was paying \$55,000 more than the low cost provider but receiving more value which was difficult to measure. He said he would support obtaining the services from the Gehring Group and thanked them for reducing the price and staff for the negotiations. Councilman Coates requested that Mr. Schofield and staff change or modify the current selection process since this was not the first time that they have encountered this situation. He said that the Selection Committee members were people of good faith and integrity and they have been doing the best service that they can with the selection process, and that his attack was not towards the members who selected the winner but the process itself that has led to a difficult decision which in turn has led to disparity.

Vice Mayor Greene agreed with Councilman Coates on several of his comments but overall he felt it was important that Council understands the value that Wellington was receiving. He said that at a prior meeting Mr. De La Vega stated that the Gehring Group was entrenched with the process and the way the products and services are dealt with. He thought that the significant increase with premiums would continue but his concern was that there was a dependency upon the Gehring Group and other firms and that Wellington may feel it is difficult to make a change which he felt was a dangerous position to be in. He said he agrees that Council needs to be extremely careful when spending taxpayers' dollars but he felt that there was a tremendous value in working with the Gehring Group. He didn't believe they would be saving money if they went to the lowest bidder because they have repeatedly seen that going with the lowest cost doesn't always provide the best value and service. Vice Mayor Greene stated that Wellington could transition towards self-insurance with hybrid services and outsourcing in the future so that Wellington obtains the best value for their money. At this time he said he supported obtaining the services from the Gehring Group because of their good history, and he felt that the money would be well spent.

Councilwoman Gerwig asked staff how they develop the issues that the companies are ranked on, and if 20% was always used for the cost or were they different based on the product. Mr. De La Vega explained that for professional services, recently they have been using the 40:40:20: 40 points for qualifications; 40 points for approach and methodology; and 20 points for price. Councilwoman Gerwig questioned if the process was used for all professional services. Mr. De La Vega replied affirmatively except for CCNA where there was not a price. Councilwoman Gerwig asked Mr. De La Vega to explain that. He explained that there was no price because the qualification of architects and engineers was the key component. Mr. Schofield explained that the statutory requirement for certain professional consulting areas the price would not be a consideration and they may only negotiate that after selecting the most qualified firm based on their paper qualifications. Councilwoman Gerwig questioned the thinking behind the State Statute requiring that those professionals not be ranked on price. Mr. Schofield stated that the intent was clear which was to hire the best qualified professional for the

job and then negotiate the price. He further stated that Wellington does not obtain the contract with the best qualified because the price can be negotiated afterwards but was a consideration after the selection was made. Councilwoman Gerwig stated that the process was very similar but the price of the service was considered and the item did not carry as much weight as Councilman Coates would like. She did not agree with that because engineers and architects provide design services and if they provide better design services, then in the long run it might actually be less expensive. Councilwoman Gerwig thought that it was not to have Wellington spend a greater amount for the service but providing a better value in the end for this designed service. She stated that Councilman Coates was not the cheapest lawyer but would provide the best value and other professional services need to be viewed the same way.

A motion was made by Councilman Coates, seconded by Councilwoman Gerwig, and passed (3-1) with Councilman Willhite dissenting to approve the authorization to Award a Contract for Insurance Brokerage Services to the Gehring Group as presented.

Mayor Margolis re-entered the Council Chambers at this point.

9. PUBLIC FORUM

1. Mr. Thomas Wenham, 1309 Pine Valley Drive, 33414. Mr. Wenham referred to an article Sunday's newspaper that stated that Wellington was listed as third in the County in water conservation and he wanted to comment staff on that recognition. He said he has always believed that water conservation and preservation was very important and thanked the Palm Beach Post for the article so that the community was aware of the positive practices. He appreciated everything that was being done in order to conserve water in the community. Mr. Wenham also stated that the relationship with PBSO was wonderful and

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen presented the following report:

- Ms. Cohen reported that as she had mentioned at the Agenda Review, the second law suit for Big Blue Preserve and the carrier was placed on notice and she would be working to have Mr. Riedi assigned to the lawsuit since he was very familiar with the Preserve.
- She explained that as she mentioned at the Agenda Review, the Village received a request for transcripts of shade sessions for any sessions in which the various Far Niente. ESP (Equestrian Sport Productions), Solar Sports or where any of the litigants surrounding the Equestrian Village were mentioned. She said that most of those cases have been resolved except for one pending case. In two of the shade sessions, seven different cases were considered together. Ms. Cohen said the issue that was needed to be considered was if they should release the transcripts or redact the information that addressed the remaining lawsuit. Upon review of the transcripts, she thought that it was not possible to separate it out, and she did not feel that there was anything in the transcripts that would compromise Wellington's position with the pending litigation. She recommended that the Village releases the transcripts and, in the future, shade sessions should be handled on an individual basis if at all possible. She was seeking Council's direction to release the two transcripts.

Councilwoman Gerwig questioned if council had a choice in releasing the transcripts. Ms. Cohen stated that the argument to release the transcripts was that Wellington took the risk in combining the discussion into one shade session and once the majority of the cases concluded, staff would then disclose all of the discussions that occurred which would be argument requiring the Village to release them. She said that the counter argument would be everything was intertwined and was not possible to separate the discussions on the 163 action with the others. She did not know how the court would decide that issue; however, after a conversation with the

Attorney General's office, there was nothing exactly like the request. She said that the closest case there was related to work product. Ms. Cohen said that ultimately when you read the transcript, she did not think there was anything there that would negatively impact Wellington's position in the lawsuit and her recommendation was to release it. If the transcript was not released, then she would have to file an action for the court's decision on the specific set of facts to determine if the Village was required to release it.

Councilman Coates explained that his concern was setting a precedent that would be problematic for the Village in the future. He said this would not be the first time that Wellington will have multiple litigation matters involving several parties. He didn't want Council not to be able to discuss the items at one shade session where they can look at things from a global perspective. If that was not done, they would have to discuss each individual case and they could not discuss them globally and how they could be resolved. He felt that the transcript should not be produced because he did not want to set the precedence in the future even though they felt there was nothing harmful. Ms. Cohen did not feel like they would be setting a precedent because the decision was based that after reviewing the transcript there was not any information that would be damaging to Wellington but she understood his point. She added that there was no case law available or any Attorney General opinions that addressed this matter; however, said the exemptions were strictly construed and says that once the litigation has concluded it shall be released. Ms. Cohen reiterated that it was unknown how a court would rule if Wellington were to argue that the transcripts were inextricably intertwined which she couldn't predict. She did not see anything wrong in Council taking a position that Council should protest it, but that is Council's choice. Councilman Coates thought that Council's position should be that they didn't believe they were inextricably intertwined so they could produce it whereas in the future if they believed something was intertwined they would not produce it. He felt that whatever decision made it would come back and bite Council in the future. Ms. Cohen felt that it was not a precedent. She thought that Council could waive the privilege at this point or direct her to file something to have the court make a determination. She felt that there would be other battles in the future that might be better worth fighting than this battle but Council would need to make the decision.

Councilman Willhite stated that he felt that every action they took set a precedent. He agreed with Councilman Coates pointing out that when they attended the mediations, they looked at everything in a global resolution to try and resolve the matters during the shade sessions which were intertwined. He felt that if the sessions were advertised individually, he felt it would be impossible for Council to discuss one without impacting the other. He pointed out that that they discussion the cases together because they talked about a global resolution. Councilman Willhite felt that all of Council was looking for a resolution on the entire matters which was why they were intertwined. Ms. Cohen said that she agreed with Councilman Willhite, but felt that they bring some sort of action and the court rules against Wellington, attorney's fees would need to be paid for the requesting party. She advised Council to factor that into their thinking. Ms. Cohen reiterated that she did not feel it was necessary to keep close at this point; however, she would move forward if Council wanted to use this as a test case. Councilman Willhite stated that he appreciated Ms. Cohen advising Council that Wellington may have to pay for attorney litigation fees but he felt they also needed to take in consideration Wellington's attorney fees acting in a defensive manner so either way there could be a cost. He believed all the fees were of a prevalent nature and Council would need to make the best decision that would benefit the entire Village.

Councilwoman Gerwig explained that as Council moved through the entire shade session process Council was advised that the case would be discussed and the attorney client privilege would be invoked which was how it was advertised. She said that Council was cautioned not to discuss the other cases in the Shade Session because of this exact circumstance. Councilwoman Gerwig suggested that if they have this type of case in the future, that they list all

of the cases and say they were going to be discussed. Ms. Cohen stated that all the cases were advertised and that was the problem. Ms. Cohen explained that seven cases were advertised noting that since the facts were inseparable and the discussion was about a global settlement, all the cases were discussed in one session. In reviewing the transcript it was impossible to try and separate any particle discussion that related to the one remaining lawsuit. Councilwoman Gerwig felt that since all the sessions were advertised that it would be defensible to protect it. Ms. Cohen said that it was very difficult to know what the court would rule because the Statute was strictly construed and the exemptions were narrowly viewed in favor of disclosure to the public. She thought it was difficult to know what the court would do under these specific facts where all of the litigation involved the same core set of facts and circumstances. She felt that Wellington has a legitimate argument but the other party would have an equally legitimate argument and reiterated it would be impossible to predict how the court would rule.

Vice Mayor Greene said there may not be a legal precedence but if Council allows it to happen one time it would come back to haunt the Village in the future. Since there was no legal case law regarding this situation, he thought they should test it. Vice Mayor Greene said that Council has the freedom to speak freely during the shade sessions. He said that when they have multiple cases that are intertwined anything that was said would benefit one of the parties. He believed that Council needed to be aware that they can attend a shade session and speak openly and freely without giving either party the advantage. He would not support releasing the transcripts until all the cases that were discussed in the shade sessions have been completed.

Mayor Margolis stated that Council's consensus was not to release the transcripts. Councilwoman Gerwig questioned if a motion was needed. Ms. Cohen replied affirmatively.

A motion was made by Vice Mayor Greene, seconded by Councilman Coates, and passed (4-1) with Councilwoman Gerwig dissenting, not to release the shade session transcripts as requested.

11. MANAGER'S REPORTS

MR. SCHOFIELD: Mr. Schofield presented the following report:

- The next regular Wellington Council Meeting is scheduled for Tuesday, July 8, 2014 at 7:00 p.m. in the Council Chambers. He noted that would be the only Council meeting in July.
- Council will hold a Directions Workshop regarding the Village's Infrastructure on Thursday, June 26, 2014 at 2:00 p.m. in Conference Rooms 1E/1F
- Wellington will be celebrating July 4th with a series of happenings. The fireworks will start at 9:00 p.m. and shuttle service will be available to and from Village Park. Additional information can be found on the website.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- Councilwoman Gerwig said that she was looking forward to the 4th of July event which was Wellington's home town celebration. She asked where offsite parking would be located. Mr. Schofield stated that the offsite parking was located at the Mall. Councilwoman Gerwig said that the shuttle service was very helpful traffic wise.
- The "Splash" safety event would be held on Saturday with free admission which she hoped would be attended by the residents. The event was educational and would be helpful for everyone because there have been many drowning within the community and surrounding communities noting a specific incident that she had witnessed.

VICE MAYOR GREENE: Vice Mayor Green presented the following report:

- Vice Mayor Greene requested that the Wanderers Executive Golf Course be placed on the

agenda for discussion since the property was up for sale. Mr. Schofield stated that the item would be placed on the July 8th agenda. Vice Mayor Greene agreed with the date and questioned if any of councilmembers opposed putting the item on the agenda. There was no opposition.

- Vice Mayor Greene addressed discussions he had with builders and developers, attorneys regarding the recording of unity of titles. He said it was his understanding that the process was controlled by the Legal Department, Palm Beach County and the procedure was taking a very long time for the property owner. Ms. Cohen explained that the requests go through the Planning Department, and then if a Unity of Title application has been filed as part of a development application, it would be sent to the Legal Department to be reviewed for legal sufficiency, i.e., legally executed. She noted that sometimes the application has to be sent back to corrections or additional information, i.e., corporate resolution. She said that once it is executed, the Planning Department sends to the County to be recorded. Ms. Cohen said that the applications do not usually sit in her office for an unusual long length of time, so it would be hard to say why the process was taking an extensive amount of time. Vice Mayor Greene said he understood the internal process; but he was being told that once the property owner is notified that the application has been approved, they do now have the right to take the application and record it. Mr. Schofield explained that recording of Unity of Title procedure was established several years ago in the Engineering Department. He said that the Village does record them; however, once the application meets both technical and legal sufficiency, he saw no reason why that the property owner would be able to be record the document themselves. He said the process came about due to documentation being changed after the approval stage. Mr. Schofield said that they can look at that process. Vice Mayor Green stated that he was advised by residents that there was a problem with the procedure and he wanted to bring to staff's attention in order to establish an efficient procedure.
- Vice Mayor Greene wanted to remind everyone about the "Walk and Talk" event that Captain Hart had mentioned earlier. He felt these types of events to be very important because they helped to build trust, communication, feedback and understanding within the community and neighborhoods. He hoped to attend the event in the Yarmouth neighborhood scheduled for the next day.
- After the Agenda Review there was a brief reception where Parks and Recreation received a five year accreditation. Mr. Schofield explained that the Parks and Recreation Department has received national accreditation for the fifth year. Vice Mayor Greene explained that the Commission for Accreditation of Park and Recreation Agencies (CAPRA) accreditation visitors came in from Texas and North Carolina and were very complimentary with their comments about the Village's different recreational programs and events. He thanked Bruce DeLaney and his staff for all that they do.
- He wished everyone a safe and happy Fourth of July.

COUNCILMAN COATES: Councilman Coates presented the following report:

- Councilman Coates reported that the Village would be hosting the Little League State Tournament at Olympia Park. He noted that the media loves to cover tournaments, and felt this would be a chance for Wellington to be on the map from a Little League perspective. He hoped that they will be successful at the state level and move forward.
- He wished everyone a happy and safe Fourth of July.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- Councilman Willhite questioned where the idea of changing the Village's bridle trails name to something of significance as opposed to just the color chart. Mr. Schofield explained that was part of a discussion being held at the EPC level. He further explained that the colors came from an original study and have never been changed noting that staff's recommendation would be to go with whatever the EPC recommends.
- He noted that the Weekly issues raised concerns with Grand Prix Village and

reimbursement from the HOA for them. Mr. Schofield explained that there may be a change due to communications with their attorney and progress was made that day. Councilman Willhite said that he would like to know the outcome.

- Councilman Willhite said the 441 extension project was mentioned at the last MPO meeting, and that it would be moving forward. A motion was passed at the meeting to do a larger environmental aspect study which he felt could be problematic and costly. He said he would provide the Council with the information as he receives it.
- He also attended a meeting in Broward County where a group of Broward County officials that would be creating a C-51 reservoir in the Aggregates and moving the water through the canal into Broward County and this would assist them with their water needs. His concern was with all of the proposed development in the western communities, but his bigger concern was that it abutted two sides of the Village. He asked Mr. Schofield to appoint a replacement for Mr. Bonde who would be able to handle and represent the Village on water issues. Mr. Schofield stated that the Village' representative would be Mr. Riebe and in his absence Mr. Barthelemy both of whom are professional engineers. Councilman Willhite stated that the meetings that he has mentioned would be held on a monthly basis in Broward County.
- Councilman Willhite requested from Mr. Schofield the minutes and the information from the Western Communities Council including the resolution and proposals for the Minto project as well as any other pertinent information. He said that there are some additional projects that are planned along Seminole Pratt Boulevard, Southern Boulevard and North Lake usage that would impact Wellington.
- Councilman Willhite asked Mr. Schofield on the status of the new paint colors noting that he has heard from contractors regarding that. Mr. Schofield explained that the topic was discussed at a Directors meeting that day but he could not remember the outcome but would communicate the information as soon as he reviewed his notes. He said that a suggestion that came from the Community Services Department regarded the creation of a color pallet for some of the Safe Neighborhood areas because the old pastel colors tend to show their age and wear quicker than the popular earth tones.
- Councilman Willhite stated that he thought that telephone systems had been replaced about one year ago but he read on the report that more telephone would be replaced. His request was that before the telephones were replaced he wanted to see a price analysis. He said that the report also spoke about on the upgraded T.V. and cameras which he hoped would be to make things more available to residents. Mr. Schofield explained that the Avaya telephone system was part of the problem and needed to be upgraded to work with the computer system but he would have Mr. Stillman provide an update on that.
- Councilman Willhite stated that he was very disappointed that he could not attend the Fourth of July celebration and fireworks as he would be on vacation with his family. He felt that event was one of the best events that Wellington has to offer and he would like to see patriotic banners and decorations on the poles similar to how they used to decorate the poles at Christmas time. He hoped that the Public Address system would be in place for next year's event.
- He wished everyone a save and healthy Fourth of July.

Councilwoman Gerwig stated that she forgot to mention that fireworks in the Equestrian Preserve area were a problem and risk.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- Mayor Margolis explained that he received an email from Mr. Bobby Jackson who is a retired football player, Florida State University Hall of Fame, and New York Jets Hall of Fame. He said that Mr. Jackson travels around the country presenting programs that deal with youth leadership: "Stop Bullying" and "Get Fit America: Change Your Eating and Change Your Life." Mayor Margolis said he asked if the Village wanted to participate in any of the programs. He did not know the cost, but noted that the tour would be from July 15th to

August 30th. Mayor Margolis supported these programs which he felt could be beneficial to the youth in Wellington. He asked for Council for consensus to have Bruce DeLaney contact him to learn more about the program. Council consensus was to have Mr. DeLaney contact Mr. Jackson to obtain more information.

At this point, Mr. Thomas Wenham said that when they met with the CAPRA accreditation team they marveled at the Village's dog park.

13. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk